United Nations A/AC.265/2004/5

General Assembly

Distr.: General
9 June 2004

Original: English

Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities
New York, 24 May-4 June 2004

Report of the third session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

Part one

I. Introduction

1. In its resolution 56/168 of 19 December 2001, the General Assembly decided to establish an Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development.

2. The General Assembly, in its resolution 58/246 of 23 December 2003, also decided that, prior to its fifty-ninth session, the Ad Hoc Committee should hold two sessions of a duration of 10 working days each in 2004.

II. Organizational matters

A. Opening and duration of the third session

3. The Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities held its third session at United Nations Headquarters from 24 May to 4 June 2004. In the course of its session, the Ad Hoc Committee held 18 plenary meetings.

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4. The Division for Social Policy and Development of the Department of Economic and Social Affairs acted as the substantive secretariat, while the Disarmament and Decolonization Affairs Branch of the Department for General Assembly and Conference Management served as secretariat of the Ad Hoc Committee.

5. The third session of the Ad Hoc Committee was opened by the Chairman of the Committee, Luis Gallegos Chiriboga, Ambassador and Permanent Representative of Ecuador to the United Nations. The Under-Secretary-General for Economic and Social Affairs, Jose Antonio Ocampo, Special Representative of the Secretary-General, made a statement on behalf of the Secretary-General. The Representative of New Zealand, Ambassador Don MacKay, on behalf of the Chairman of the Working Group of the Ad Hoc Committee, introduced the report of the Working Group (A/AC.265/2004/WG.1).

B. Officers

6. The following officers continued to serve on the Bureau of the Committee:

Chairman:
Luis Gallegos (Ecuador)

Vice-Chairmen:
Ivana Grollovà (Czech Republic)
Leslie Gatan (Philippines)
Jeanette Ndhlovu (South Africa)
Carina Mårtensson (Sweden)

C. Agenda

7. At the 1st meeting, on 24 May 2004, the Ad Hoc Committee adopted its provisional agenda, as contained in document A/AC.265/2004/L.1, as follows:

1. Opening of the session.
2. Adoption of the agenda.
3. Organization of work.
4. Report of the Working Group of the Ad Hoc Committee.
5. Consideration of the draft text contained in the report of the Working Group of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/AC.265/2004/WG.1, annex I).
6. Conclusions of the third session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.
7. Consideration and adoption of the report of the third session of the Ad Hoc Committee.

D. Documentation

8. The Ad Hoc Committee had before it the following documents:

(a) Provisional agenda (A/AC.265/2004/L.1);

(b) List of participants (A/AC.265/2004/INF/1);

(c) Draft organization of work (A/AC.265/2004/CRP.1);

(d) Report of the Working Group looking at the protection of the rights of persons with disabilities (A/AC.265/2004/CRP.2);

(e) Letter dated 3 March 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General (A/AC.265/2004/1);

(f) Report of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities (A/AC.265/2004/2);

(g) Use of the United Nations Voluntary Fund on Disability to support the participation of non-governmental organizations and experts (A/AC.265/2004/3);

(h) Compilation of proposals for a comprehensive and integral international convention on protection and promotion of the rights and dignity of persons with disabilities (A/AC.265/CRP.13 and Add.1);

(i) Report of the Working Group to the Ad Hoc Committee (A/AC.265/2004/WG.1);

(j) First session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities: draft text, including related references (A/AC.265/WG.2), CD-ROM version only.

III. Organization of work

9. During its plenary meetings (24 May-4 June 2004), the Ad Hoc Committee conducted a first reading of the draft text of the convention as contained in the report of the Working Group (A/AC.265/2004/WG.1). The Committee considered articles 1 to 24, issues of international cooperation and the preamble. The Committee decided to defer the consideration of the title, the structure, part of the preamble, definitions (article 3) and monitoring (article 25) to its fourth session, to be held from 23 August to 3 September 2004.

IV. Decision

10. At its 18th meeting, on 4 June 2004, the Ad Hoc Committee decided to postpone to its fourth session its consideration of a compilation (contained in annex II to the present report) of proposed revisions and amendments made by the members of the Ad Hoc Committee to the draft text presented by the Working Group as a basis for negotiations by Member States and Observers in the Ad Hoc Committee.

V. Recommendations

11. The Ad Hoc Committee invites the Bureau of the Ad Hoc Committee to hold an intersessional meeting regarding the preparation and organization of its fourth session, including a provisional agenda, to be issued at least three weeks prior to the beginning of the session, containing, inter alia, the timetable and programme of work.

12. With regard to accessibility, and in accordance with General Assembly decision 56/473, the Committee strongly recommends that the Secretary-General implement some measures, within existing resources, as further steps to facilitate access to United Nations premises, technology and documents. The Committee, therefore, invites, inter alia, persons with disabilities and experts to present proposals in this regard.

VI. Adoption of the report of the Ad Hoc Committee

13. At the 18th meeting, on 4 June 2004, the Committee adopted the draft report to the General Assembly at its fifty-ninth session (A/AC.265/2004/L.2), as orally amended.

Annex I

Additional list of non-governmental organizations accredited to the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

1. Bizchut, the Israel Human Rights Centre for People with Disabilities
2. International Paralympic Committee
3. People with Disabilities in Ireland
4. Tunisian Association for the Promotion of Employment for the Handicapped

Annex II

Compilation of proposed revisions and amendments made by the members of the Ad Hoc Committee to the draft text presented by the Working Group as a basis for negotiations by Member States and Observers in the Ad Hoc Committee*

Draft [comprehensive and integral — European Union (EU), Sierra Leone, Pakistan] international convention on [the protection and promotion of the rights and dignity of — EU, Sierra Leone] (the full and equal enjoyment of all human rights and fundamental freedoms by — EU, Sierra Leone) persons with disabilities[1]

The States Parties to this Convention,

(a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity (, worth — Holy See) and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights [and in the International Covenants on Human Rights — Pakistan], has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) Reaffirming the universality, indivisibility (inalienability, irrevocability — Costa Rica) and interdependence of all human rights and fundamental freedoms and [the need for — EU] (and that persons with disabilities are — EU) [persons with disabilities [to be — EU] guaranteed — Sierra Leone] their full enjoyment without (any form of — South Africa) discrimination,

(d) [*Reaffirming also* — Pakistan] (recalling — Pakistan) the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, [and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[2] — EU, Israel, Canada, Costa Rica]

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* In the draft, [...] indicates deleted text, (...) indicates added text.

[1] Several members of the Working Group made proposals on alternative structures for the draft Convention and also to its title. The Ad Hoc Committee may wish to further consider the structure and title of the draft.

[2] Some members of the Working Group considered that there should not be a reference to the Migrant Workers Convention on the grounds that it did not have the same status as the other international covenants and conventions listed. Other members pointed out that the Convention

(It is recommended that appreciation be extended to the World Conference against racism, racial discrimination, xenophobia and related intolerance, held in South Africa in 2001, which gave impetus to the resolution promoting the work of the United Nations in the elaboration of an International convention on the rights of persons with disabilities — Chile)

(Recognizing that the exercise of the right to development, as a universal and inalienable right, is a prerequisite to the integral and sustainable solution to meeting the needs of persons with disabilities — Cuba)

(e) *Recognizing* the importance of the principles and policy guidelines contained in the (United Nations — Namibia) Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(f) *Recognizing also* that discrimination (and violence — Costa Rica) against any person on the basis of disability is a [violation of — EU] (affront to — EU) the inherent dignity of the human person,

(g) *Recognizing further* [[the diversity — India, Pakistan] (the diverse nature of disabilities — Pakistan) (the wide range of abilities, skills, functional competencies and concerns of — India) of [persons with disabilities — Morocco, Argentina] — South Africa] (disabilities — Morocco, Argentina) (, their needs and requirements — Thailand) (that person that disabilities are not a homogeneous group, but diverse in their own right — South Africa),

(h) *Concerned* that, despite [the efforts and actions — EU] (these various instruments and undertakings — EU) [undertaken by Governments, bodies and relevant organizations — EU], persons with disabilities continue to face barriers in their (equitable — South Africa) participation as equal members of society and violations to their human rights in all parts of the world,

(i) [[*Emphasizing* — India, Namibia] (Recognizing — India, Namibia) the importance of international cooperation[3] (because of its multisided benefit to all member countries — Lebanon) promote the full enjoyment of (all — Cuba, Lebanon) human rights and fundamental freedoms of (all — Lebanon) persons with disabilities,[4] — EU, Syrian Arab Republic] (Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, in particular in the developing countries — EU, Syria, Argentina)

(j) *Emphasizing also* the existing and potential contributions [made by — Namibia] (of — Namibia) persons with disabilities to the overall well-being and diversity of [their communities — Lebanon] (the society — Lebanon), and that the

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had entered into force and should therefore be listed.

[3] Some members of the Working Group considered that there should not be a reference to international cooperation in the preamble, or that it should be subject to final agreement on whether the issue of international cooperation should be addressed in the Convention, and if so, where it should be included.

[4] The following alternative formulation was also proposed for consideration: "*Recognizing* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, in particular in the developing countries".

promotion of the full enjoyment by persons with disabilities of (all — Cuba) their human rights and fundamental freedoms and of full participation by persons with disabilities will result in significant advances in the human, social and economic development of [their societies — Lebanon] (the society — Lebanon) [and the eradication of poverty — EU],

(k) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(l) *Considering* that persons with disabilities (and their families — India, Pakistan) (and care-givers — Pakistan) should have the opportunity to be actively involved (and taking leading roles — Republic of Korea) in decision-making processes about policies and programmes, [especially those directly concerning them — South Africa, Namibia],

(m) *Concerned* about the difficult conditions faced by persons with [[severe or — Argentina] multiple — Canada, Yemen, Cuba, Namibia, Lebanon] disabilities [and of persons with disabilities — Costa Rica] (and in particular those — Costa Rica) who are subject to [multiple or aggravated — Lebanon] [forms of — EU] discrimination [on the basis of race, colour, sex, language, (and the kind and degree of disability — Lebanon) (age, — Sierra Leone, Israel, Costa Rica) religion, political or other opinion, (ethnic, — Canada) national or social origin, property, birth (, sexual orientation — EU, Brazil) or other status,[5] — Pakistan]

(n) *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of (all — Cuba) human rights and fundamental freedoms by persons with disabilities,

((n bis) Recognizing that women and girls with disabilities are often subject to multiple discrimination and therefore suffer particular disadvantages

(n ter) Recognizing that persons with disabilities, in particular women and girls, are at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation and abuse — EU)

(o) [[*Mindful* (that conditions of poverty can exacerbate the incidence and situations of persons with disabilities — India) of — Cuba] (Concerned by — Cuba) the need to [alleviate — Cuba] (eradicate — Cuba) the negative impact of poverty on (causing disabilities and the quality of life of persons with disabilities — Argentina) the conditions of persons with disabilities,[6] (in accordance with the Millennium Declaration on this matter — Chile) (and therefore convinced of the need to eradicate it — Costa Rica) — EU] (Recognizing that a disproportionately large number of persons with disabilities live in conditions of poverty and mindful of the need to alleviate the negative impact of poverty on persons with disabilities — EU, Brazil)

(p) *Concerned* that [situations of — Sierra Leone, Saudi Arabia, Lebanon] armed [conflict — Sierra Leone] (conflicts — Sierra Leone) (and foreign occupation of territories and assets of others — Syrian Arab Republic, Yemen, Saudi Arabia,

[5] See the footnotes to paragraph 1 (c) of draft article 23 on social security and an adequate standard of living.

[6] Some members of the Working Group had reservations about the wording of this paragraph.

Lebanon) [have especially — South Africa] (cause disabilities and have — South Africa) devastating consequences for the [human — Sierra Leone] rights of persons with disabilities,

(q) *Recognizing* the importance of accessibility to the physical, (political — South Africa, Yemen) social and economic (cultural — South Africa, Yemen, Costa Rica) environment and to information and communication, [including information and communication — Yemen] technologies, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

((q bis) Recognizing the important role that persons with disabilities can play in the sustainable development of their communities — Costa Rica)

(r) *Convinced* that a convention [dealing specifically with (full enjoyment of — Sierra Leone) (all — Cuba) [the human rights of — EU] (the enjoyment of human rights by — EU) persons with disabilities — Pakistan] (addressing specifically the rights and dignity of persons with disability — Pakistan) will make a significant contribution to (the improvement of the Human Development Index of this group and the world population in general — Chile) redressing the profound [social — EU] disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural [spheres — Pakistan] (activities — Pakistan) [with equal opportunities — Canada], in both developing and developed countries,

((s) Recognizing the particular circumstances of the child with disabilities and that the child with disabilities should enjoy the right to a full and inclusive life in conditions that ensure dignity, promote self reliance and autonomy and facilitate their active participation in the community — EU)

(Recognizing that many persons with disabilities suffer double or multiple discrimination because of their status as children, women, refugees or internally displaced, older persons, people living in rural areas and people living in informal settlements.

Noting with concern that there exists, in various parts of the world, harmful cultural practices and beliefs that have continued to impact negatively on the rights of persons with disabilities.

Recognizing that HIV/AIDS impacts negatively on persons with disabilities in all spheres of life. — Kenya)

(Recognizing that a comprehensive, integral and interdisciplinary approach to the issues facing persons with disabilities is essential to the achievement of full and effective equalities for persons with disabilities — Israel)

Hereby agree as follows:

Article 1
Purpose

The purpose[7] of this Convention shall be to [seek the full and equal enjoyment — India] ensure [promote and protect — Thailand] (ensure — Thailand) the [equal

[7] Some members of the Working Group suggested that international cooperation should be included as one of the objectives of the Convention. Other members suggested that international cooperation was a means to achieve the objectives of the Convention, and not an objective itself.

— Egypt] (promotion and protection — Egypt, Eritrea) (effective — Jordan) (full — EU) and equal enjoyment of all human rights and fundamental freedoms (and strive for elimination of discrimination against — India) by persons with disabilities.[8]

(The purpose of this Convention shall be to protect and promote (all — Mexico) the rights and (dignity — Mexico) of persons with disabilities — China).

(The purpose of the present convention is to promote and protect the full enjoyment of all rights by and the dignity of persons with disabilities on the basis of universal principles of equality and equity — Mexico, Colombia)

(The purpose of the present convention is to prevent discrimination and violation of the rights of persons with disabilities and to ensure their participation as equal members of society — Sierra Leone)

(The purpose of this convention shall be to promote, protect and fulfil the full and equal enjoyment of all rights and fundamental freedoms of all persons with disabilities — Uganda)

Article 2
General principles

The fundamental principles of this Convention shall be:

(In their actions to achieve the objective of the convention and to implement its provisions, the parties shall be guided inter alia by the following fundamental principles: — Japan)

(a) Dignity, individual autonomy including the freedom to make one's own choices, and [independence — Costa Rica] (independent life — Costa Rica) of persons;

(b) Non-discrimination;

(c) [Full inclusion of persons with disabilities as equal citizens and participants in all aspects of life; — EU, Mexico, Costa Rica] (Full and effective participation and inclusion in society on an equal basis for persons with disabilities — EU, Mexico, Costa Rica)

(d) Respect for difference and acceptance of disability as part of human diversity and [humanity — Mexico, South Africa] (human dignity — Mexico, South Africa)

(e) Equality of opportunity.

(International cooperation — Mali, Sudan, Eritrea, Jordan)

(Equality between men and women — Canada, Mexico, Costa Rica, Norway)

(Affirmative action to correct disadvantage occasioned by disability; the indivisibility and interdependence of rights as they relate to persons with disabilities; the progressive realization of economic, social and cultural rights — Kenya)

See also preambular paragraph (i).

[8] An alternative formulation that the Ad Hoc Committee may wish to consider is: "The purpose of this Convention shall be to protect and promote the rights of persons with disabilities".

(Special attention will be paid to the situation of persons with severe, intellectual and multiple disabilities — India)

(The social model will be preferred over the medical model, however there may be provisions for affirmative action in specific situations of disadvantage — India)

(Personal development in and enjoyment of all stages of life — Costa Rica)

(Accessibility and universal design — South Africa, Thailand)

(Realization of a barrier-free environment — Japan)

(Disability inclusive international cooperation — Thailand)

(Self-determination. Actualization of full human potential. Empowerment of disabled persons, basic principle to the social model — Jordan)

((2 bis) [States parties shall undertake all appropriate legislative, administrative and other means for the implementation of the present convention — Russian Federation]. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation — EU, India, Mexico, Thailand)

Article 3
Definitions[9]

"Accessibility"[10]

"Communication" includes oral-aural communication, communication using sign language, tactile communication, Braille, large print, audio, accessible multimedia, human reader and other augmentative or alternative modes of communication, including accessible information and communication technology.[11]

"Disability"[12]

"Persons with disability"[13]

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[9] In the consideration of this article, the Ad Hoc Committee may wish to take into account the different proposals that were presented to the Committee and the Working Group regarding the specific definitions of the concepts herein contained.

[10] The need for a definition of "accessibility" and the content of any definition will depend on the outcome of the discussion in the Ad Hoc Committee on draft article 19 on accessibility.

[11] The Ad Hoc Committee may wish to consider the need for a definition of "communication" (separate from draft article 13 on freedom of expression and opinion), and if so, the content of that definition.

[12] Many members of the Working Group emphasized that a convention should protect the rights of all persons with disabilities (i.e. all different types of disabilities) and suggested that the term "disability" should be defined broadly. Some members were of the view that no definition of "disability" should be included in the Convention, given the complexity of disability and the risk of limiting the ambit of the Convention. Other delegations pointed to existing definitions used in the international context, including the World Health Organization's International Classification of Functioning, Disability and Health (ICF). There was general agreement that if a definition was included, it should be one that reflected the social model of disability, rather than the medical model.

[13] Some members of the Working Group considered that it was more important to include this definition than the definition of "disability". Other members were of the view that a definition of this term was not necessary.

"Discrimination on the ground of disability"[14]

"Language" includes oral-aural language and sign language.[15]

"Reasonable accommodation"[16]

"Universal design" and "Inclusive design".[17]

[Article 4
General obligations[18,19]

1. [[States Parties undertake (guaranteeing the exercise and enjoyment — Argentina) to ensure [the full realization of all human rights and fundamental freedoms for all individuals [within their jurisdiction[20] — Canada] without discrimination of any kind on the basis of disability. — Lebanon] (achievement of the purpose of the convention and the rights that are guaranteed by this convention — Lebanon) To this end, States Parties undertake: — China]

(States parties undertake to adopt legislative, administrative and other measures to ensure the full realization of all human rights and fundamental freedoms for all individuals within their jurisdiction without discrimination of any kind on the basis of disabilities. With regard to economic social and cultural rights, States parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation — China)

("In order to secure non-discrimination of persons with disabilities, States Parties undertake in particular" — EU):

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[14] This definition is addressed in draft article 7 on equality and non-discrimination. The Ad Hoc Committee may wish to consider the best placement for this definition.

[15] Some delegations were of the view that the separate draft articles of the Convention specified that language included sign language, and questioned the need for that definition in the present article. Others expressed the view that the definition was needed.

[16] The definition of this concept was not discussed beyond the definition that is included in draft article 7, although the Working Group considered it necessary to include it.

[17] These definitions were not discussed, but the Working Group considered that they would be useful.

[18] Both the Bangkok draft and the Chair's draft included in this section a paragraph on remedies. Some members of the Working Group noted that while the International Covenant on Civil and Political Rights included such a provision, the International Covenant on Economic, Social and Cultural Rights did not. It may be difficult, therefore, to include such an article in a convention that elaborates the rights contained in both Covenants. The Ad Hoc Committee may wish to consider this issue further.

[19] The issue of the progressive realization of economic, social and cultural rights was raised by several delegations during the Working Group's discussion. The Working Group noted that, consistent with existing international human rights law, the concept would apply to some of the rights in the Convention (the economic, social and cultural rights), but not to others (the civil and political rights). The Ad Hoc Committee will need to consider how best to incorporate this issue into the Convention, and may wish to note the precedent set in the Convention on the Rights of the Child. The debate was raised in relation to other articles also.

[20] The phrase "within their jurisdiction" will need closer examination by the Ad Hoc Committee. It is taken from article 2 of the Convention on the Rights of the Child. It may be too inclusive and imply, for example, that rights that are not guaranteed for non-citizens could be extended to non-citizens with disabilities. Article 1 (2) of the International Convention on the Elimination of All Forms of Racial Discrimination may offer an alternative approach, but that may be too exclusive and imply that non-citizens with disabilities do not enjoy any of the protections of the present Convention.

(To respect and ensure the rights set forth in the present convention and to adopt — Japan)

(a) [To adopt (appropriate — Japan) legislative, administrative and other measures to give effect to this Convention, and to amend, repeal or nullify any laws and regulations and to discourage customs or practices that are inconsistent with this Convention — EU, China];

(to take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws or regulations which have the effect or purpose of creating or perpetuating such discrimination wherever it exists; — EU, China)

(to amend, repeal or nullify any laws or regulations and discourage customs or practices that are inconsistent with this convention — China)

(States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation — Argentina)

(b) To embody the [rights — EU] (principles — EU) of equality (of opportunity — EU) and non-discrimination on the ground of disability in their national constitutions or other appropriate legislation, if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of these rights;

(c) [To [mainstream — Thailand] (integrate — Thailand) disability issues into all economic and social development policies and programmes (including international cooperation — Thailand) (including specific allocation of resources to satisfy obligations towards persons with disabilities — Kenya)];

(States shall ensure that the needs and concerns of persons with disabilities are incorporated into economic and social development plans and policies, and not treated separately — EU)

(d) To refrain from engaging in any act or practice [that is inconsistent with this Convention — EU] (of discrimination against persons with disabilities — EU) and to ensure that public authorities and institutions act in conformity with this [Convention — EU] (obligation — EU);

(e) To take all appropriate measures to eliminate discrimination on the ground of disability by any person, organization or [private — EU] enterprise;

[Discrimination does not include provisions, criteria or practices that are objective and demonstratively justified by the State Party by a legitimate aim and where the means of achieving that aim are reasonable and necessary — India]

(f) [To [promote[21] — Uganda] (ensure — Uganda) the development, availability and use of universally designed goods, services, equipment and facilities (including assistive technologies — Thailand). [Such goods, services, equipment and facilities should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities — Thailand] — New

[21] The Ad Hoc Committee may wish to consider whether a term that places stronger obligations on States Parties should replace "promote".

Zealand].[22] (Promote and where appropriate undertake the research, development, production, application and dissemination of new technologies in order to make available to persons with disabilities goods, services, equipment and facilities acceptable to them and aimed at their fullest inclusion in society, and based on the principle of universal design — New Zealand)

((g) To provide the conditions and environments under which persons with disabilities may live in a self-sustained manner by fully exercising their capacity — Japan)

(To establish credible and effective structures to oversee implementation and monitoring; to ensure a barrier free society through the establishment of an effective enabling environment; to provide particular protection and support for persons with disabilities who are vulnerable on account of situations such as conflict and natural disasters or because of their status as children, women and persons living with HIV/AIDS. — Kenya)

(In relation to the economic, social and cultural rights of this convention, States Parties undertake to give immediate effect to those aspects of those rights which are capable of immediate implementation (including, but not limited to, obligation of non-discrimination in the enjoyment of those rights) and in relation to other aspects of those rights, progressively the full realization of those rights by all appropriate means — India)

2. In the (planning — New Zealand) development and implementation (and evaluation — New Zealand) of policies (standards and guidelines to give effect to the provisions of the Convention — New Zealand) [and legislation to implement this Convention — New Zealand], States parties shall do so in [close — India] consultation with, and include the active involvement of] (partnership with — New Zealand), persons with disabilities (their families — India) and their representative organizations (and care-givers — Trinidad and Tobago) (, recognizing the expertise of persons with disabilities and the leadership they can provide in all affairs concerning them — New Zealand).

(States when developing and implementing policies and legislation to give effect to this convention, shall take appropriate measures to ensure adequate consultation with, and involvement of, persons with disabilities and their representative organizations — EU)

(3. States parties shall undertake all appropriate legislative administrative and other measures for the implementation of the rights recognized in the present convention with regard to economic social and cultural rights, particularly with regard to art 9d, 13, 15, 16, 17, 19 to 24. States parties shall undertake such measures to the maximum extent of their available resources with a view to achieving progressively the full realization of such rights and when needed within the framework of international cooperation — Israel) — EU: see article 3 bis]

[22] The Ad Hoc Committee may wish to consider whether the term "universal design" or its near synonym "inclusive design" should be used here and throughout the Convention. The Ad Hoc Committee may also wish to consider whether this paragraph should remain as part of draft article 4, be incorporated into draft article 19 or be a separate article in its own right.

[[Article 5
Promotion of positive attitudes [to] (towards — Canada) persons with disabilities — EU]

(Creation and raising of awareness — South Africa)

(Creation of a culture of respect and inclusion — Mexico)

1. [States Parties undertake to adopt (by appropriate and active means — Australia) [[immediate — Argentina] and effective measures — Australia] to: — EU: see article 3 bis]

(a) Raise awareness throughout society regarding [disability — Swaziland] (in various forms — Philippines) and persons with disabilities (their needs, potential and contribution to society — Uganda) (and foster (a culture of — Mexico) respect for the rights of persons with disabilities — EU) (and their human rights — Costa Rica);

(b) Combat (negative — Trinidad and Tobago) stereotypes (negative cultural practices — Trinidad and Tobago) and prejudices about persons with disabilities;

(Combat practices whether cultural religious or other which discriminate persons with disabilities. — Kenya)

[(c) [[Promote] (To commit ourselves to — Arab Group) an image of — Canada] (portray — Canada, New Zealand) persons with disabilities (irrespective of type, severity and complexity of their disabilities — Thailand) as capable and contributing members of society sharing the same rights and freedoms (and responsibilities — Philippines) as all others and in a manner consistent with the overall purpose of this Convention. — New Zealand]

2. [These measures shall include, among others:

[(a) Initiating and maintaining (promoting — Canada) an effective [public — Yemen] (social — Yemen) [awareness — Canada] (policies — Costa Rica) campaign designed to [nurture (awareness of and respect for) [receptiveness — Canada] — South Africa] (respect and protection — Philippines) (promote the rights of persons with disabilities — South Africa) to the rights of persons with disabilities;

(b) [Promoting awareness — South Africa] (to develop and maintain programmes of awareness — South Africa) (in their population — Costa Rica), including in all children from an early age and at all levels of the education system, to foster an attitude of respect for the rights of persons with disabilities; — EU: see article 3 bis]

(c) Encouraging all organs of the media to [project an image of — Canada] (portray — Canada, New Zealand) persons with disabilities (in a manner — Canada) consistent with [the purpose — Canada] of this Convention (through inter alia the use of proper terminology — Trinidad and Tobago);

[(d) Working in partnership with persons with disabilities and their representative organizations (and families — Uganda) in all measures taken to give effect to the obligations contained in this article. — EU: see article 3 bis] — New Zealand]

Article 6
Statistics and data collection[23]

(Collection and protection of statistics and data — Uganda)

(Collection and protection of statistics — Colombia)

[In order to formulate and implement appropriate (regulations and — Mexico) policies to protect and promote the rights of persons with disabilities, States Parties [should encourage] (should include in their data gathering programme — Philippines) (actions for — Mexico) the collection (, compilation — Mexico), analysis and [codification — Mexico] (dissemination — Mexico) (and dissemination — Costa Rica) of statistics (on persons with disabilities — Mexico) and [information on disabilities — Mexico] (and their surroundings — Mexico) and on the effective enjoyment of human rights by persons with disabilities. The process of [collecting — Mexico] (collection — Mexico) and [maintaining — Mexico] (preservation — Mexico) this information [should — Costa Rica] (shall — Costa Rica):

(a) Respect the right to privacy, the dignity and the rights of persons with disabilities, (. Therefore — Mexico) [and — Mexico] the [information collected from persons with disabilities — Mexico] (collection of disability statistics — Mexico) [should — Costa Rica] (shall — Costa Rica) be [on a voluntary basis — Eritrea, Mexico] (treated with sensitivity — Eritrea) (done with the consent of persons with disabilities — Mexico);

(b) [Be kept only in a statistical format without identifying individuals and [should — Costa Rica] (shall — Costa Rica) be kept secure to prevent unauthorized access or misuse of information — Mexico] (Adhere to ethic regulations and principles regarding respect of anonymity and confidentiality, as well as the use of the disability statistics for social awareness — Mexico);

[(c) (The governmental authorities responsible for statistics in the States Parties shall — Mexico) [Ensure that the design and implementation of data collection is done in partnership with persons with disabilities, their representative

[23] There were differing views within the Working Group regarding the inclusion of this draft article. Some delegations strongly supported the inclusion of an article on statistics and data collection in the text of the Convention for several reasons. Data collection is recommended in rule 13 of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Its inclusion could allow States to respond more effectively to the needs of persons with disabilities and to have an accurate assessment of the situation of the persons concerned so as to implement programmes for their benefit. General Assembly resolution 58/132 of 22 December 2003, in paragraph 8, also deals with the issue of data and statistics. In the present draft article, the respect for the right to privacy is fundamental.

Other delegations opposed the inclusion of an article on statistics and data collection in the Convention, for several reasons. They expressed a concern for the respect of the right to privacy and the risk of misusing the information, and considered that such an article did not belong in a human rights treaty. They considered that statistics were not useful as a policy tool, and that resources spent in data collection should be used instead in programmes for persons with disabilities. There should be a mainstreaming of surveys and not just surveys for persons with disabilities.

Other delegations suggested that the draft article should be re-titled. One suggestion was "Collection and protection of statistics and data". It was clearly considered that any data collected on disabilities must not infringe on the human rights of persons with disabilities.

organizations and [all — Mexico] other [relevant — Mexico] (interested — Mexico) stakeholders; — Jordan] — New Zealand]

(d) [[Be disaggregated — Mexico] (Disaggregate the data — Mexico) according to the purpose of the collection of [information — Mexico] (statistics — Mexico) and should include (at least, information about — Mexico, Lebanon) age, sex [and type of disability — Lebanon] (if it is located in rural or urban areas — Costa Rica); (States should move away from statistical investigations that merely enumerate impairments that can become a statistical means of pathologizing people with disabilities — Lebanon) — Jordan]

(e) Include detailed information on their access to public services, rehabilitation programmes, education, housing and employment (and other relevant areas — Lebanon) (health care, training, social security and housing — Algeria) (as well as the barriers faced by persons with disabilities to exercise their rights — Mexico);

(f) [Adhere to established ethics regarding respect for anonymity and confidentiality in the collection of statistics and data — Mexico] (Establish regulations and mechanisms to safeguard disability statistics and ensure their adequate use — Mexico) — EU]

((g) States Parties shall assume the responsibility for the dissemination of disability statistics and ensure its accessibility to all interested stakeholders — Mexico)

(2. States parties should include disability figures among the indicators to assess the development of the country reflecting the close link between poverty and disability when relevant — Lebanon)

(The States parties should provide conducive environment that would encourage non-governmental organizations and the private sector to conduct research and studies on the issues of concern to persons with disabilities — Philippines)

(Where necessary, States Parties shall collect appropriate information to enable them to formulate and implement policies to give effect to this Convention. The process of collecting and maintaining this information should:

(a) Comply with legally established safeguards to ensure confidentiality and respect for the privacy of persons with disabilities, including legislation on data protection;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms;

(c) Where appropriate, be undertaken in collaboration with and following consultation of organizations of persons with disabilities. — EU)

[Article 7
Equality and non-discrimination

[1. States Parties recognize that all persons are equal before (and under — Canada) the law and are entitled without [any discrimination] (all forms of discrimination — Japan) to the equal protection (and equal benefit — Canada) of the law. States Parties shall prohibit any (such — Israel) discrimination on the basis of disability, and guarantee to all persons with disabilities equal and effective

protection against discrimination. [States Parties shall also prohibit any discrimination and guarantee to all persons with disabilities equal and effective protection against discrimination [on any ground such as race, colour, sex, language, religion, political or other opinion, national (ethnic — Canada) or social origin, property, birth, source or type of disability, age (health — Kenya) (health, marital status, belief, culture — African Group) or any other status. — China, Australia] — Israel]

2. (a) [Discrimination shall mean any distinction, exclusion (, additional obligations or burdens — New Zealand) or restriction (, condition, act or policy — Israel) which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by persons with disabilities, [on an equal footing] (on a basis of equality with others — Canada), of all human rights and fundamental freedoms;] (For the purpose of the present convention the term discrimination against persons with disabilities shall mean any distinction exclusion or restriction made on the basis of disability which has the effect or purpose of impairing or nullifying the recognition enjoyment or exercise by persons with disabilities on a basis of equality of human rights and fundamental freedoms in the political economic, social, cultural civil or any other field — Argentina) (public, private and familiar — Costa Rica)

(b) [Discrimination shall include all forms of discrimination, [including direct, indirect[24] — Yemen] and systemic, and shall also include discrimination based on an actual (past — Israel) (disability — Canada) or a disability (that is — Canada) [perceived][25] (or attributed by society — Canada) (imputed — Australia) disability — Japan] (or by association with a person with a disability — Australia).

3. [Discrimination does not include a provision, criterion or practice that is objectively and demonstrably justified by the State Party by a legitimate aim and where the means of achieving that aim are reasonable and necessary.[26] (and consistent with international human rights law — Japan, African Group, Canada). — Australia]

4. In order to secure the right to equality for persons with disabilities, States Parties undertake to take all appropriate steps, including by legislation, [to provide] (to ensure — Israel) (adequate and — Costa Rica) [reasonable accommodation —

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[24] Some members of the Working Group considered that the Convention should have a specific reference to both direct and indirect discrimination. Other members considered that the distinction between the two forms of discrimination was not sufficiently clear. They considered that both a reference to "all forms of discrimination" in paragraph 1, and the reference to the "effect" of discrimination in paragraph 2 (a), would cover the concept of indirect discrimination.

[25] The Ad Hoc Committee may wish to consider the scope of this term, and whether it should apply to the individual's perception of themselves, or society's perception of them.

[26] This paragraph has not appeared in any of the core international human rights treaties, although the concept has been developed in the jurisprudence of the treaty bodies. The Human Rights Committee has included it, for example, in its general comment on article 26 of the International Covenant on Civil and Political Rights. The Working Group discussed three options for the consideration of the Ad Hoc Committee: (a) The paragraph should not appear in the text at all; (b) the paragraph should be included only as an exception to the specific prohibition on indirect discrimination; and (c) the paragraph should apply to all forms of discrimination. In addition to those options, some members proposed adding the following phrase to the end of the paragraph: "... and consistent with international human rights law".

Yemen] (acceptable accommodation — Yemen),[27] defined as necessary and appropriate modification and adjustments to guarantee to persons with disabilities the enjoyment or exercise on an equal footing of all human rights and fundamental freedoms, [unless such measures would impose [a disproportionate burden] — Kenya] (an unjustifiable hardship — Australia) (unreasonable difficulties — China). (In determining whether the burden in question is disproportionate consideration should be given to all relevant factors including the availability of state funding for the purpose of making accommodations — Israel).

5. [[Special] (positive — Canada) measures[28]] (measures of affirmative action — Colombia) (such as positive discrimination and positive action — Israel) aimed at accelerating de facto equality of persons with disabilities shall not be considered discrimination as defined in the present Convention, [but shall in no way entail as a consequence the maintenance of unequal or separate standards; [those measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.[29] — Japan] — Lebanon] — EU]

(Nothing in this article shall prevent limiting the scope of special measures on a rational basis in accordance with the severity of the disability — Israel) — EU: see article 3 bis]

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[27] The Ad Hoc Committee may wish to consider the following points when considering the term "reasonable accommodation":

The Working Group considered that there was a need for a concept such as "reasonable accommodation" in the Convention in order to secure compliance with the principle of non-discrimination.

There was widespread agreement in the Working Group on the need to keep the notion both general and flexible in order to ensure that it could be readily adapted to different sectors (e.g., employment, education, etc.) and in order to respect the diversity of legal traditions.

There was also general agreement that the process of determining what amounted to a "reasonable accommodation" should be both *individualized* (in the sense that it should consciously address the individual's specific need for accommodation) and *interactive* as between the individual and the relevant entity concerned. It was understood that an entity should not be allowed to compel an individual to accept any particular "reasonable accommodation". It was also felt, however, that in situations where a range of "reasonable accommodations" was available — each of which was, by definition, reasonable — an individual did not have the right to choose the one that he or she preferred.

There was general agreement that the availability of State funding should limit the use of "disproportionate burden" as a reason by employers and service providers not to provide reasonable accommodation.

Some members of the Working Group supported the proposition that a failure to "reasonably accommodate" should in itself constitute discrimination; some of those members highlighted General Comment No. 5 of the Committee on Economic, Social and Cultural Rights as supporting this view.

Other members of the Working Group considered that the Convention should not dictate the manner by which the concept of "reasonable accommodation" should be achieved or framed under relevant domestic legislation. Specifically, they took the view that it was inappropriate for an international legal instrument designed primarily to engage State responsibility to frame a failure to "reasonably accommodate" on the part of private entities as a violation of the non-discrimination principle.

[28] The term "special measures" is used in other international human rights treaties. The Ad Hoc Committee may wish to discuss the appropriateness of using the term in the disability context, and whether alternative terms could be used.

[29] The Ad Hoc Committee may wish to discuss whether special measures in the disability context should be limited in time or more permanent.

((7 bis) To ensure the right to equality for all persons with disabilities. States Parties shall take affirmative action measures to benefit all persons with disabilities. — Colombia)

(EU Proposed Article 3 bis:

1. States Parties recognize that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. States Parties shall prohibit any discrimination on the basis of disability, and guarantee to all persons with disabilities equal and effective protection against discrimination.

2. For the purpose of the present Convention, the term "discrimination on the grounds of disability" shall mean any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise on an equal footing by persons with disabilities of all human rights and fundamental freedoms.

(a) Direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation, on the grounds of disability;

(b) Indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put a person having a disability at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary or unless measures are taken to eliminate that disadvantage.

3. In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities, States Parties undertake to take all appropriate steps, including by legislation, to ensure that reasonable accommodation is provided; reasonable accommodation to be defined as necessary and appropriate modification and adjustments, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal footing of all human rights and fundamental freedoms, unless such measures would impose a disproportionate burden.

4. Special measures aimed at accelerating de facto equality of persons with disabilities shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; those measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

5. In order to secure non-discrimination of persons with disabilities, States Parties undertake in particular:

(a) To take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws or regulations which have the effect or purpose of creating or perpetuating such discrimination wherever it exists;

(b) To embody the principles of equality of opportunity and non-discrimination on the ground of disability in their national constitutions or other appropriate legislation, if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of these principles;

(c) States shall ensure that the needs and concerns of persons with disabilities are incorporated into economic and social development plans and policies, and not treated separately;

(d) To refrain from engaging in any act or practice of discrimination against persons with disabilities and to ensure that public authorities and institutions act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination on the ground of disability by any person, organization or enterprise;

(f) To raise awareness throughout society regarding disability and persons with disabilities and foster respect for the rights of persons with disabilities;

(g) To combat stereotypes and prejudices about persons with disabilities;

(h) To promote an image of persons with disabilities as capable and contributing members of society sharing the same rights and freedoms as all others and in a manner consistent with the overall purpose of this Convention;

(i) Encouraging all organs of the media to project an image of persons with disabilities consistent with the purpose of this Convention; — EU)

Article 8
Right to life[30]

[States Parties reaffirm the inherent right to life of all persons with disabilities, and shall take all necessary measures to ensure its effective enjoyment by them.[31] — Argentina] (in particular, in situations of armed conflicts and natural disasters, in accordance with international law, human rights, refugee and international humanitarian law — Jordan)

(States Parties shall, in accordance to their obligations in the context of international law and the Universal Declaration of human rights and international treaties and conventions for the protection of civilians from armed conflicts, take all necessary measures to guarantee the protection and care for persons with disabilities that are affected by armed conflicts or are refugees or are internally displaced persons and under occupation — Yemen) (including foreign occupation — Palestine, Lebanon)

(States Parties recognize that any person with disabilities has an inherent right to life — Argentina)

(States Parties reaffirm the inherent right to life of all persons and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities. — Costa Rica)

(In accordance with their obligations under international humanitarian law to protect civilian population in armed conflicts and risk situations, States Parties shall take all feasible measures to ensure the protection and care of all persons with disabilities

[30] There were different views expressed within the Working Group as to whether the Convention should include an article on the right to life, and if so, its content.

[31] In the context of the discussion on this draft article, some members of the Working Group suggested that the Convention should contain a separate draft article on the protection of the rights of persons with disabilities in armed conflict, similar to the approach taken in article 38 (4) of the Convention on the Rights of the Child. It was also suggested that such an article could deal more broadly with the protection of the rights of groups at particular risk.

who are affected by armed conflicts — Uganda) (including foreign occupation — Palestine)

(States Parties shall ensure to the maximum extent possible the survival and development of persons with disabilities — India)

Article 9
[Equal recognition as a person before the law]

(Equality under the law — Mexico)

[States Parties shall:

[[(a) Recognize persons with disabilities as individuals with (equal — China) rights before the law (as other persons — Uganda) [equal to all other persons — China]; — Mexico] (Recognize persons with disabilities as subjects of rights and obligations before the law, in equal conditions to those of persons without disabilities — Mexico)

[(b) [Accept — Uganda] (ensure — Uganda) that persons with disabilities have full legal capacity on an equal basis [as others,[32] [including in [financial — Uganda] (political, civil, social, cultural and economic — Uganda) matters — India] — Costa Rica] (except as provided by law — India); — China] — EU] — Mexico]

(Recognize persons with disabilities as individuals with equal rights before the law and guarantee equality before the law, without discrimination against persons with disabilities — EU)

(c) [(Endeavour to — India) Ensure that where assistance is necessary to exercise that legal capacity:

(i) The assistance is (to the extent feasible — India) proportional to the degree of assistance required by the person concerned and tailored to their circumstances, [and does not [interfere — Uganda] (undermine — Uganda) with the legal capacity, rights and freedoms of the person; — EU]

[(ii) Relevant decisions are taken [only — EU] (by a competent, independent and impartial authority — EU) in accordance with a procedure established by law and with the application of relevant legal safeguards[33] (including periodic revisions — Costa Rica) (including provisions for review — EU);

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[32] The intent of this subparagraph is to acknowledge that children are not generally accepted as having full legal capacity and that neither would, therefore, children with disabilities. In terms of legal capacity, persons with disabilities should be treated without discrimination on the basis of disability.

[33] Subparagraph (c) allows for the provision of assistance to a disabled person to exercise their legal capacity, and is based on the assumption of full legal capacity, even if the person needs assistance in exercising that capacity. It is intended that subparagraph (c) (ii) should apply only in exceptional circumstances, for which legal safeguards must be provided. The Ad Hoc Committee may wish to consider whether the subparagraph is sufficiently clear, and also how best to protect persons with disabilities who cannot exercise their legal capacity. A separate subparagraph may be required for this purpose. Some members of the Working Group proposed that where others are exercising legal capacity for a person with disabilities, those decisions should not interfere with the rights and freedoms of the person concerned.

[(d) (Endeavour to — India) Ensure that persons with disabilities who experience difficulty in asserting their rights, in understanding information and in communicating have access to assistance to understand information presented to them and to express their decisions, choices and preferences, [as well as to enter into binding agreements or contracts, to sign documents and act as witnesses;[34] — India] — China, EU]

(States Parties Shall endeavour to provide assistance to persons with disabilities who experience difficulties in exercising their rights — China)

[(e) Take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit (use or otherwise dispose of — Kenya) property, to control their own financial affairs and (if the person with disabilities are in need they — Viet Nam) to have equal access to bank loans, mortgages and other forms of financial credit; (bearing in mind the quality and degree of disability — Syrian Arab Republic) — Mexico] — EU]

(f) Ensure that persons with disabilities are not arbitrarily deprived of their property. — Sierra Leone] — Canada]

((g) The State must protect the interests of persons with disabilities who cannot exercise their legal capacity in reduced/temporarily reduced situations. In exceptional circumstances when legal safeguards are necessary, the appointment of third parties as legal guardian/surrogate may be made in the best interests of persons with disabilities. — India)

((g) Take appropriate and effective measures to eliminate physical (social — Botswana) and communication barriers and to reduce understanding difficulty of persons with disabilities in order to exercise all rights in judicial procedure which are provided in the international Covenant on Civil and Political Rights. — Japan)

((g) Take all necessary measures to ensure everyone whose rights and freedoms as recognized in this convention are violated should have an effective remedy before a national authority, notwithstanding that the violation has been committed in an official capacity. — Costa Rica)

(1. States Parties shall recognize that, in civil matters, adults with disabilities have a legal capacity identical to that of other adults and shall accord them equal opportunities to exercise that capacity. In particular, they shall recognize that adults with disabilities have equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

2. States Parties shall ensure that where adults with disabilities need support to exercise their legal capacity, including assistance to understand information and to express their decisions, choices and wishes, the assistance is proportional to the degree of support required and tailored to the adult's individual circumstances.

3. Only a competent, independent and impartial authority, under a standard and procedure established by law, can find an adult not to have legal capacity. States Parties shall provide by law for a procedure with appropriate safeguards for the appointment of a personal representative to exercise legal capacity on the adult's

[34] The first part of subparagraph (d) has more general application than the equal recognition of persons with disabilities as persons before the law, and the Ad Hoc Committee may wish to consider its most appropriate placement in the Convention.

behalf. Such an appointment should be guided by principles consistent with this Convention and international human rights law, including:

(a) Ensuring that the appointment is proportional to the adult's degree of legal incapacity and tailored to the adult's individual circumstances; and,

(b) Ensuring that personal representatives take into account, to the maximum extent possible, the adult's decisions, choices and wishes. — Canada)

((c) Ensuring regular review of the findings of legal incapacity — Jordan)

Article 10
Liberty and security of the person

1. States Parties shall ensure that persons with disabilities:

(a) Enjoy the right to liberty and security of the person, without discrimination [based on disability — Jordan];

(b) Are not deprived of their liberty[35] unlawfully[36] or arbitrarily, and that any deprivation of liberty shall be in conformity with the law, and in no case shall be based (solely — Canada) on disability.[37]

((c) When lawfully deprived of liberty measures shall be taken to ensure that they receive rehabilitation while under confinement — Uganda)

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty (through a civil or criminal procedure — Mexico), they are:

(a) Treated with humanity and respect for the inherent dignity of the human person, and in a manner that (the degree of the violation of freedom against persons with disabilities should not exceed the general standard and proper provision of conveniences such as the measure for ensuring a meeting with the guardian, assistive tools and due medical service should be properly secured — Republic of Korea) takes into account [the needs they have because of — Jordan] (the challenges they encounter due to — Jordan) their disabilities; (fully respecting their rights in conditions of equality — Costa Rica)

(b) Provided with adequate information in accessible formats as to (the applicable law and — China) (their legal rights and — New Zealand) the reasons for their deprivation of liberty (at the time this occurs — New Zealand);

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[35] The jurisprudence of the Human Rights Committee (see, for example, General Comment No. 8) notes that States interpret deprivation of liberty too narrowly, so that it applies only to the criminal justice system. The right to liberty and security of persons, however, applies to all deprivations of liberty, whether in criminal cases or in other cases such as, for example, mental illness or intellectual disability, vagrancy, drug addiction, educational purposes or immigration control. The Ad Hoc Committee may wish to consider: (a) whether civil and criminal cases should be dealt with separately; (b) whether the text needs further elaboration on civil cases of deprivation of liberty; and (c) whether, for criminal cases, the clauses in this text dealing with procedural matters need strengthening (see also article 9 of the International Covenant on Civil and Political Rights).

[36] The Ad Hoc Committee may wish to discuss whether the wording of paragraph 1 (b) does or does not prohibit civil commitment, and whether it should.

[37] The Ad Hoc Committee may wish to consider adding a provision that obliges States to reform laws and procedures that perpetuate the arrest and detention of persons with disabilities on the basis of disability.

(c) Provided with prompt access to legal and other appropriate assistance to:

(i) Challenge the lawfulness of the deprivation of their liberty before a court or other competent, independent and impartial authority (in which case they shall be provided with a prompt decision on any such action);

(ii) [Seek regular review of the deprivation of their liberty; — Japan]

(d) [[Provided with compensation in the case of unlawful deprivation of liberty, [[or deprivation of liberty based on disability, — Japan] contrary to this Convention. — China] — EU, Mexico, Canada]

(Compensated following determination by an appropriate authority that the deprivation of liberty has been unlawful. — EU)

(The States Parties shall assure to persons with disabilities within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any unlawful deprivation of liberty which violates his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such acts. — Mexico)

((e) States Parties shall guarantee that when persons with disabilities are detained or imprisoned that they be placed in a site adapted to their particular circumstances of disability respecting their right to participate in all activities necessary for them to be reincorporated in social life— Colombia)

(3. (i) States Parties shall accept the principle that forced institutionalization of persons with disabilities is illegal, save in exceptional circumstances in accordance with the procedures established by law and with the application of appropriate legal safeguards.

(ii) The law shall provide that in any case of forced institutionalization of persons with disabilities, the best interests of the person concerned will be fully taken into account. — EU)

(3. Any person with a disability who has been victim of unlawful deprivation of liberty shall have an enforceable right to compensation — Canada, Lebanon)

(4. The States Parties shall commit to make a thorough revision of their legal frame, in criminal and civil matters as well as in execution of sentences, in order to take into consideration the different types of disabilities and adapt their legal frame to guarantee the respect of the human rights of the persons with disabilities who are deprived of their freedoms for the commission of a crime — Mexico)

Article 11
Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. States Parties shall take all effective legislative, administrative, judicial, educational or other measures to prevent persons with disabilities from being subjected to torture (in all its forms — Algeria) or cruel, inhuman or degrading treatment or punishment (violence and abuse — India).

2. In particular, States Parties shall prohibit, and protect persons with disabilities from, medical or scientific (and other forms of — Thailand) experimentation without the free and informed consent of the person concerned, [and shall protect

persons with disabilities from forced interventions (, abduction — Uganda) or forced institutionalization aimed at correcting, improving or alleviating any actual or perceived impairment.[38] — EU, China] (In instances of reduced or temporarily reduced capacity to give this consent, appropriate objective, neutral legal procedure and safeguards should be provided in the best interests of persons with disabilities and legal guardians/surrogate's consent should be obtained where third party interests are concerned/harmed. — India)

(3. In order to monitor living conditions and facilities of places where persons with disabilities are placed, international instruments shall be applied, as appropriate including, the Optional Protocol of the Convention against Torture, for the realization of visits by national or international bodies to detention centres. — Mexico)

Article 12
Freedom from violence and abuse

1. [[States Parties recognize — Sierra Leone] (Recognizing — Sierra Leone) that persons with disabilities are at greater risk, both within and outside the home, of (abandonment — Republic of Korea) violence, injury or (mental or physical — Mexico) abuse neglect or negligent treatment, maltreatment or exploitation, including (economic and — New Zealand) sexual exploitation and abuse — Argentina] — China]. (Therefore — Mexico) States Parties shall [therefore — EU] take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities (and their families — Jordan) (and to prevent these forms of violence and abuse by ensuring inter alia (the support for persons with disabilities and their families or caregivers — Trinidad and Tobago) the provision of information— Mexico), both within and outside the home, from all forms of (abandonment — Republic of Korea) violence, injury or (mental or physical — Costa Rica) abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual (and economic — Mexico) exploitation and abuse.

2. [Such measures should prohibit, and protect persons with disabilities from (abduction and save in exceptional circumstances according to a procedure with appropriate safeguards established by law, intrusive or forced — Canada), forced interventions or forced institutionalization aimed at correcting, improving or alleviating any actual or perceived [impairment — Canada] (disabilities — Canada), and [abduction. — Argentina, Mexico] — EU]

(States shall take the necessary measures to ensure that medical and related interventions, including corrective surgery, are not undertaken without the free and informed consent of the person concerned — EU)

(States Parties recognize that armed conflicts particularly undermine the freedom from violence and abuse of persons with disabilities. States Parties shall, therefore, take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities from armed conflict. — Kenya)

[38] Members of the Working Group had differing opinions on whether forced intervention and forced institutionalization should be dealt with under "Freedom from torture", or under "Freedom from violence and abuse", or under both. Some members also considered that forced medical intervention and forced institutionalization should be permitted in accordance with appropriate legal procedures and safeguards.

3. [States Parties shall also take all appropriate measures to prevent violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including (economic and — New Zealand) sexual exploitation and abuse (especially against children and women with disabilities — India), by ensuring, inter alia, support for persons with disabilities and their families, including the provision of information (and education about how to avoid, recognize and report instances of the above. States Parties shall also ensure those working with persons with disabilities are trained to identify and prevent such instances — New Zealand) (and other appropriate forms of assistance and support. In such cases States Parties shall take all appropriate measures to promote their physical and psychological recovery and reintegration into communities — India) — EU]

(Such measures shall include the provision of appropriate information to persons with disabilities and their families — EU)

(3 bis. (i) States Parties shall accept the principle that forced intervention of persons with disabilities is illegal, save in exceptional circumstances in accordance with the procedures established by law and with the application on appropriate legal safeguards.

(ii) The law shall provide that in any case of forced intervention on persons with disabilities, the best interests of the person concerned will be fully taken into account. — EU)

4. [States Parties shall ensure that all facilities and programmes, both public and private, where persons with disabilities [are placed together, separate from others, — Uganda] (live or access services — Uganda) are effectively monitored to prevent the occurrence of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation and abuse. — New Zealand]

(Recognizing that persons with disabilities are more at risk of violence, injury or abuse neglect or negligent treatment, maltreatment or exploitation, including economic and sexual exploitation and abuse in segregated facilities and programmes where persons with disabilities are placed together, separate from other people, States Parties shall ensure that those facilities and programmes, both public and private, are effectively monitored by independent authorities, which include persons with disabilities, and the monitoring reports made available to the public. — New Zealand)

5. [Where persons with disabilities are the victim of any form of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including (economic and — New Zealand) sexual exploitation and abuse — Mexico], States Parties shall take all appropriate measures[39] to promote their physical and psychological recovery (, rehabilitation — Philippines) and social reintegration (including through the provision of protection services — Trinidad and Tobago). (Such recovery and reintegration shall take place in an environment which fosters the health, self respect, dignity and autonomy of the person. — New Zealand)

6. States Parties shall (endeavour to — India) [ensure — Canada] (encourage — Canada) the identification, reporting, [referral — New Zealand], and investigation,

[39] Some Working Group members suggested that this paragraph should include an explicit provision of legal remedies.

[treatment — EU] (prosecution — EU, Canada) [and follow-up] of (all — New Zealand) instances of [violence and abuse] (violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including economic and — New Zealand) sexual exploitation and abuse, (and their timely referral to appropriate protection agencies and, where necessary, to the courts — New Zealand) [and the provision (as appropriate — EU) of protection services and (adequate deterrence and effective sanctions, including as appropriate — Costa Rica), [as appropriate — EU], [judicial involvement] (legal remedies — Sierra Leone). — India] (the provision of protection services and where necessary access to judicial interventions should also be made available — India).

(States Parties reaffirm the rights of persons to make choices over their bodies and shall ensure that persons with disabilities are not subjected to sterilization or forced abortion — Uganda)

(States Parties shall ensure that all facilities and programmes, public and private, where persons with disabilities are placed, are effectively monitored, in coordination with civil society, of these forms of violence and abuse. — Mexico)

Article 13
Freedom of expression and opinion, and access to information (Right to information and communication — Costa Rica)

(The right of access to information — Israel) (and to promote facility of expression — India)

(States Parties undertake to ensure the enjoyment of the right to information and communication to persons with disabilities. In this regard — Costa Rica) States Parties shall take appropriate measures to ensure that persons with disabilities can exercise their right to freedom of expression and opinion through ([alternative] (appropriate — Liechtenstein) modes of communication of their choice, where appropriate, including — Costa Rica) Braille, sign language[40] [and other modes of communication[41] of their choice, — Costa Rica] and to seek, receive and impart information, [on an equal footing — Costa Rica] (on conditions of equality — Costa Rica) (on the basis of equality — Canada) with others, including by:

(a) [Providing [public — EU] (official — EU) information — Japan] (Taking appropriate steps to provide public information — Japan) to persons with disabilities, [[on request — Thailand, Kuwait], in a timely manner — Namibia] and without additional cost, (and without tax — Morocco) in accessible formats[42] [and technologies [of their choice — EU, New Zealand], — Argentina] (and technologies appropriate to different disabilities — Argentina) taking into account different kinds of disability;

[40] Some members of the Working Group considered that this draft article should include a reference to sign language as the natural language of deaf people in their access to information, communication, services, participation and education.

[41] The Ad Hoc Committee may wish to consider the most appropriate terms to use in this draft article. "Mode of communication", "format" (used in subparagraph (a)), and "alternative and augmentative communication modes" (used in subparagraph (c)) have related, but not identical meanings.

[42] The Ad Hoc Committee may wish to consider whether it should include mention of specific formats in this paragraph, such as plain language or easy-to-read formats.

(b) Accepting (and promoting — Mexico) the use of [alternative — New Zealand] (a variety of — New Zealand) modes of communication by persons with disabilities in official interactions;

(c) [Educating persons with disabilities] (Providing education programmes aimed at teaching persons with disabilities and their families [alternative — New Zealand] (a variety of communication modes — New Zealand) [and augmentative — New Zealand] — Costa Rica) (Providing education and learning — Jordan) (and non-disabled persons wishing to communicate with persons with disabilities — Lebanon) (their families and the general public — Trinidad and Tobago) to use [alternative — New Zealand] (a variety of communication modes — New Zealand) [and augmentative — New Zealand] modes (and providing opportunities for those concerned with persons with disabilities to be educated in augmentative and alternative communication modes — Yemen);

[(d) (Promoting and where appropriate — EU, New Zealand) Undertaking [and promoting — EU, New Zealand] the research, development and production of new technologies, including information and communication technologies, and assistive technologies, [[suitable — Thailand] (accessible — Thailand) (and affordable — Philippines) for — Canada] (in consultation with — Canada) persons with disabilities; (and ensuring access to these technologies by all countries — Trinidad and Tobago) (, guided by the principle of universal design — Thailand) — New Zealand]

(e) Promoting other appropriate forms of assistance and support to persons with disabilities (including expanding the necessary level of expertise to assist persons with disabilities — Republic of Korea), (and where necessary their parents and caregivers — Uganda) to ensure their access to information (, including training of interpreters, and access to new information and communication technologies — Costa Rica);[43]

(Providing training of life assistance and intermediaries such as sign language and tactile interpreters, note takers, readers and others — Lebanon)

(f) [Encouraging — Yemen][44] (Obliging — Yemen) (Ensuring — Uganda) (Requiring/ensuring — Jordan) private (and public — Trinidad and Tobago) entities (, including the mass media — Liechtenstein) that provide services to the general public to provide information and services in accessible and usable formats for persons with disabilities;

[(g) [Encouraging — Yemen] (Obliging — Yemen) (Requiring/ensuring — Jordan) the mass media to make their services accessible to (children and — Jordan) persons with disabilities. — Liechtenstein]

((h) Developing a national sign language — Uganda)

(Promoting that persons with disabilities enjoy the new information and telecommunication technologies — Mexico)

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[43] The Ad Hoc Committee may wish to consider expanding this subparagraph to cover the provision and training of live assistance and intermediaries, such as Braille and caption transcribers, note takers, sign language and tactile communication interpreters, and readers.

[44] The Ad Hoc Committee may wish to consider whether "encourage" is the best term to use in subparagraphs (f) and (g).

((h) Providing information to persons with disabilities about mobility aids, devices and other forms of assistive devices and technologies — South Africa)

(2. States Parties will take all appropriate measures to ensure that accessible information and communication technologies be designed, developed and produced at an early stage so that the information society becomes inclusive at minimum cost — Lebanon)

Article 14
Respect for privacy, the home and the family

(Respect for privacy, marriage and family — China)

(Respect for privacy — South Africa)

1. [[Persons with disabilities, [including those living in institutions — Canada] (should they have decided to do so — Yemen) shall not be subjected to arbitrary or unlawful interference with their [privacy — Argentina, EU] (private life — Argentina, EU), and [shall — Costa Rica] have the right to the protection of the law against such interference (in all fields — Costa Rica). — Liechtenstein] States Parties to this Convention shall take effective measures to protect [the privacy — Liechtenstein] (the private and family life — Liechtenstein) [of the home, family, — Costa Rica] (different kinds of communication — Mexico) (communication including — Kenya) [correspondence[45] — India] (communication — India) (communications, information and documents — Costa Rica) and medical records of persons with disabilities (equally with other persons — Japan) and their (freedom of — EU) [choice — Liechtenstein] (freedom — Liechtenstein) to take decisions on personal matters. — Qatar]

(No person with disability, including those living in institutions, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home. Correspondence, medical records or choice to take decisions on personal matters, nor to unlawful attacks on his or her honour and reputation — Qatar)

2. States Parties to this Convention shall take effective and appropriate measures (to encourage the full participation in family life by persons with disabilities and — Qatar) to eliminate discrimination against persons with disabilities in all matters relating to (their private life including — Mexico) marriage and family relations (in all forms — South Africa),[46] and in particular shall [ensure — Argentina] (take appropriate measures aimed at —Argentina):

[(a) [[That persons with disabilities are not denied the equal opportunity to experience their sexuality, (within the framework of legitimate marriage — Libyan Arab Jamahiriya, Saudi Arabia) and have (responsible — Philippines) [sexual and other intimate relationships — Libyan Arab Jamahiriya] (including marriage — Costa Rica) and experience parenthood (in accordance to national legislation — Israel) (, taking into account the best interest of the woman and the child — New Zealand — Philippines); — Islamic Republic of Iran] (through legitimate marriage

[45] The Ad Hoc Committee may wish to consider whether the word "correspondence" should be replaced with the broader term "communications".

[46] The Ad Hoc Committee may wish to consider whether the phrase "marriage and family relations" might be too limiting.

— Syrian Arab Republic) — Qatar] (in accordance with the various religious and social conventions and traditions — Yemen).

(the promotion of measures to change prevailing negative attitudes towards the marriage and sexuality of persons with disabilities, especially girls and women with disabilities, and their founding a family, and the encouragement of the media to play an important role in removing such negative attitudes — Qatar)

(b) The right of [all men and women with disabilities — China] ((all — South Africa) persons with disabilities — China) (to establish and fully develop intimate relations, including marriage — Costa Rica) [who are of marriageable age to marry — Costa Rica] (under appropriate laws — India) [on the basis of free and [full — Canada] (informed — Canada) consent of the intending spouses — China], and to [found a family — India, Qatar] (on an equal basis with other persons — China) (to establish family relations and practice parenthood — Qatar) (bring up a family, and be provided with information and counselling wherever necessary on full dimension and responsibilities of marriage — India); (in accordance with the precepts of religion, convictions and various customs — Yemen) (and experience their sexuality and parenthood — Islamic Republic of Iran)

((b bis) The rights of persons with disabilities to reproduction, prohibiting all practices aimed at involuntary sterilization and/or inhibiting the exercise of the right to reproduction on the basis of prejudices about persons with disabilities — Costa Rica)

(c) The rights of persons with disabilities to (retain their fertility, New Zealand, Thailand) decide freely and responsibly on the number and spacing of their children[47] [on an equal basis [with other persons[48] — Costa Rica] — EU, Mexico] (including protection against non-consensual sterilization — Kenya) (States Parties shall also ensure that persons with disabilities are not subject to forced sterilization — Mexico) and to [have — India] (be provided with — India) access to information (, advice — Morocco), reproductive (, sex — Yemen) and family planning education, and the means necessary to enable them to exercise these rights; — Holy See]

(The right of men and women with disabilities of marriageable age to marry and found a family shall be recognized, and no marriage shall be entered into without the free and full consent of the intending spouses — Holy See)

[(d) [The rights of — New Zealand] (That — New Zealand) persons with disabilities (have the same rights as other persons — New Zealand) with regard to guardianship, wardship, trusteeship and [adoption — Syrian Arab Republic, Qatar, Bahrain] (or guardianship — Yemen) (guardianship — Syrian Arab Republic) (and sponsorship — Yemen) of children, or similar institutions where these concepts exist in national legislation (; in all case the interests of the child shall be paramount —

[47] Members of the Working Group agreed that a prohibition on the sterilization of persons with disabilities was implicit in the right to decide on the number and spacing of their children, but some members considered that the issue was of such importance that the Ad Hoc Committee should consider making the prohibition explicit.

[48] The understanding of the Working Group is that this draft article does not deal with the national policies of States parties on the size of families but simply stipulates that persons with disabilities should not be treated differently from the general population in this respect. The Ad Hoc Committee may therefore wish to consider whether the phrase "on an equal basis with other persons" is necessary in this subparagraph.

New Zealand) (, subject to the best interests of the child and in accordance with national legislation — Israel). [For the purpose of guaranteeing these rights, States Parties shall render appropriate assistance to [disabled parents — EU] (persons with disabilities — EU, Serbia and Montenegro) (with available resources — Qatar) dr 6 in the performance of their child-rearing responsibilities;[49] — India, Costa Rica]. (These rights may be restricted in exclusive situations specifically stipulated in national legislations — Russian Federation)

(e) That a child shall not be separated from his or her parents [against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. [The child shall not however be separated from parents with disabilities on the basis [either directly or indirectly — Japan, EU, Mexico] (all kinds — Japan) (solely — EU, Australia, Norway) of their disability;[50] — Argentina, Uganda] (render appropriate assistance to parents of children with disabilities to enable their children to live with them — Uganda) (or the disability of their children. The decision on the separation should be provisional and subject to periodical review — Jordan, Morocco, Thailand, Saudi Arabia)

(f) [The promotion of awareness and the provision of information aimed at changing negative perceptions and social prejudices towards sexuality, [marriage — Costa Rica] (intimate relations including marriage — Costa Rica) and parenthood of persons with disabilities. — EU, Qatar] — China] — EU]

(States Parties to this Convention shall ensure that there is no discrimination against persons with disabilities in regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation. States Parties shall render appropriate assistance to disabled persons in the performance of their child-rearing responsibilities.[51]

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. The child shall not however be separated from parents with disabilities on the basis solely of their disability;[52]

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[49] The Ad Hoc Committee may wish to consider the wording of the second sentence of this subparagraph in the light of concerns expressed by some delegations that States parties might find it difficult to guarantee the resources to "render appropriate assistance".

[50] The Ad Hoc Committee may wish to consider other formulations for the second sentence of this subparagraph, including the deletion of the words "either directly or indirectly" or their replacement by the word "solely", or the substitution of a positive formulation for the sentence, such as: "States Parties shall render appropriate assistance to parents with disabilities to enable their children to live with them".

[51] The Ad Hoc Committee may wish to consider the wording of the second sentence of this subparagraph in the light of concerns expressed by some delegations that States Parties might find it difficult to guarantee the resources to "render appropriate assistance".

[52] The Ad Hoc Committee may wish to consider other formulations for the second sentence of this subparagraph, including the deletion of the words "either directly or indirectly" or their replacement by the word "solely", or the substitution of a positive formulation for the sentence, such as: "States Parties shall render appropriate assistance to parents with disabilities to enable their children to live with them".

States Parties shall take appropriate measures to change negative perceptions and social prejudices towards sexuality, marriage and parenthood of persons with disabilities — EU)

(States Parties shall take effective and appropriate measures to raise public awareness and provide information to change negative perception and social prejudices towards sexuality, marriage and parenthood of persons with disabilities — China)

(NEW PARAGRAPH — Mexico)

Article 15
Living [independently[53] — New Zealand] and being [included — South Africa] (integrated — South Africa) in the community

(Independent community living — Jordan)

(Inclusion in the community and independent living — Mexico)

(Right to a life of independence in the community — India)

(Independent living and social reintegration — Yemen)

[States Parties to this Convention shall take effective and appropriate measures to enable persons with disabilities [to decide [to live (in — New Zealand) [independently — New Zealand] and (to — New Zealand) be fully included (States Parties shall — New Zealand) [in — New Zealand] (as members of — New Zealand) the community, [[including by — New Zealand] [ensuring — New Zealand] (ensure — New Zealand) that — Argentina] (with a view to — Argentina) (persons with disabilities — Jordan): — India] — Mexico — EU] (an independent lifestyle and to be able to enable persons with disabilities to decide for an independent lifestyle and to be able to choose their place and structure of residence, without barring the possibility of being fully integrated in the community and in their families, including by ensuring that: — Mexico)

(States Parties shall take appropriate measures to facilitate persons with disabilities to live independently and be fully included in the community, including measures aimed at ensuring that: — EU)

(a) [Persons with disabilities — Jordan] have the equal opportunity to [choose their place of residence and living arrangements — India, New Zealand] (exercise their choice of living independently or with their family respecting social and cultural practices of family norms and be included in the community — India) (determine how, where, and with whom they live — New Zealand);

(b) [[Persons with disabilities — Jordan] are not obliged to live in an institution or in a particular living arrangement (save as provided in article 10 —

[53] Some members of the Working Group expressed the concern that the words "living independently" in the title and the chapeau of this draft article did not reflect the cultural norm in many countries, and that the words might suggest that persons with disabilities should be separated from their families. The Ad Hoc Committee may wish to consider an alternative formulation.

EU) (unless where it is found appropriate — South Africa);[54] — Argentina, Sierra Leone, Canada, South Africa, Russian Federation]

((b bis) Children with disabilities live with their own family or, where that is not possible, (favour that children with disabilities — Lebanon) live in another family situation (whenever possible — Lebanon) — New Zealand)

(c) [[[That — New Zealand] persons with disabilities — Jordan] have access to a range of [in-home — Kuwait], [residential — New Zealand] (options — Kuwait) and other community (based — Canada) support services, including personal assistance, necessary to support [living and inclusion — New Zealand] (them to live where they choose, to participate — New Zealand) in the community, [and to prevent isolation or segregation from the community — Kuwait];[55] — EU]

(d) Community services (and facilities — New Zealand) [for the general population — India] are available [on an equal basis — EU] (without discrimination — EU) to persons with disabilities and (have access to community services that — Jordan) are responsive to their needs; (Persons with disabilities are allowed to become members and active participants in community organizations and instrumentalities of their choice. There shall be policies and facilities to assist persons with disabilities to qualify for membership and to be able to participate — Philippines) (Persons with disabilities have right to participate to and benefit from all available community services on an equal basis with the general population — Viet Nam)

((d bis) Community support services are provided in a manner that recognizes the autonomy, the individuality and dignity of persons with disabilities)

(e) [[Persons with disabilities — Jordan] (their families and caretakers — Botswana) have access to information about [available — New Zealand] (community services including — New Zealand) (community — Botswana) support services.

((f) Support to the families who are taking care of persons with disabilities and also provide material and moral support and provide them with the necessary assistance to ensure the inclusion of persons with disabilities in society — Morocco)

((f) Persons with disabilities who require assistance communicating have access to necessary and appropriate support to enable them to express their decisions, choices and wishes — Canada)

(2. States Parties shall also take appropriate measures to promote the provision of life assistance in order to enable persons with disabilities to live independently — EU)

(2. States Parties shall take appropriate steps to make accessible for persons with disabilities:

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[54] Some members of the Working Group, while accepting the principle, thought that States parties would find it impossible to guarantee this obligation without exception. Other members considered that the subparagraph was redundant, as the issue was covered in paragraph 1 (a).

[55] Some members of the Working Group considered that it would be difficult for States parties to ensure the availability of the services described in paragraphs 1 (c) and (d), and in particular the undertaking in paragraph 1 (c) to provide personal assistance.

(a) A range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community and to prevent isolation or segregation from the community;

(b) Community services for the general population, on an equal footing with others in a manner responsive to their needs. — Japan)

(Proposed article 15 bis: Women with Disabilities

1. State Parties undertake to ensure the enjoyment of full and equal rights and freedoms by women with disabilities and their equal participation in political, economic, social and cultural activities without any discrimination on the basis of their gender and/or disabilities.

2. State Parties shall take the following steps from a gender perspective so as to ensure that women with disabilities are able to live with dignity in freedom, safety, and autonomy.

(a) Include a separate reference to the protection of the rights of women with disabilities in laws pertaining to women and persons with disabilities;

(b) Incorporate women with disabilities in social surveys and statistics collection efforts and collect gender-disaggregated data on persons with disabilities;

(c) Protect the motherhood of women with disabilities by developing and disseminating policies and programs for assistance based on the recognition of the special needs of women with disabilities in pregnancy, childbirth and post-partum health care and child care;

(d) Ensure that women with disabilities are not deprived of their right to work due to their pregnancy or childbirth, and provide the necessary assistances in this regard;

(e) Ensure that women with disabilities are protected from sexual exploitation, abuse and violence at home, institutional facilities and communities. — Republic of Korea)

[Article 16
Children with disabilities[56]

[1. States Parties [undertake — India] (shall endeavour — India) to ensure that [each child — South Africa] (children — South Africa) with a disability [within their [jurisdiction — Kuwait] — Liechtenstein] shall enjoy, without discrimination of any kind on the basis of disability, the same rights and fundamental freedoms as other children.

[56] Paragraphs 2, 3 and 4 of this draft article are based on article 23 of the Convention on the Rights of the Child. That article is a specific elaboration of disability issues in a convention on children that does not otherwise deal with disabilities. Draft article 16 of the present text, however, is a specific elaboration of children's issues in a convention where the rest of the text does deal with disabilities. Duplicating article 23 in this context, therefore, may not adequately deal with the issues faced by children with disabilities. The Ad Hoc Committee may wish to revisit this draft article so that it instead covers issues that affect children with disabilities, but which have not been dealt with elsewhere in the Convention. Examples could include the vulnerability of children with disabilities to sexual abuse and exploitation, of refugee children with disabilities, and of orphan children with disabilities.

2. States Parties [recognize — Uganda] (shall ensure — Uganda) (also undertake to ensure the creation of conditions under which — Sierra Leone) [that — Sierra Leone] children with disabilities [should — Sierra Leone] (will — Sierra Leone) enjoy a full (active — Sierra Leone) and decent life, [in conditions that ensure dignity, promote self-reliance [and autonomy], (autonomy and citizenship — Holy See) and facilitate the child's active participation in the community. — Sierra Leone] (in dignity within their respective communities — Sierra Leone).

(2 bis. States Parties recognize the evolving capacities of children with disabilities in the exercise of their rights, and the right of children with disabilities to express their views freely on all matters affecting them, their views being given due weight in accordance with the child's age and maturity. — Canada)

[3. States Parties recognize the right of children with disabilities to inclusive care, which shall include:

(a) [Early provision of appropriate and comprehensive services (including early detection, intervention and rehabilitation — Viet Nam) — India];

(Provision of early detection, early referral and early intervention services, including counselling for parents. — India)

(b) The extension, [subject to available resources — Kenya, South Africa], to the eligible child and those responsible for his or her care, [of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. — South Africa] — Sierra Leone]

(States Parties undertake to provide and extend as far as possible free of charge appropriate early comprehensive services to the child as well as to their parents and others caring for the child. The provision and extension of these services shall be designed to ensure that a child with disabilities has effective access to, inter alia, education, training, participatory recreational activity and activities for the child's cultural and spiritual development — Sierra Leone)

[4. Recognizing the needs of children with disabilities, assistance extended in accordance with (actual circumstances of children with disabilities — Viet Nam) paragraph 3 of the present article shall be provided [free of charge — Viet Nam], whenever possible, taking into account the financial resources of the parents or others caring for the child and shall be designed to ensure that a child with a disability has effective access to and receives education, training, health-care services, comprehensive [re]habilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social [integration — Uganda] (inclusion — Uganda) and individual development, including his or her cultural and spiritual development. — Sierra Leone]

(States Parties shall provide the child with disabilities and his or her parents with appropriate information referral and counselling ensuring in all circumstances that the child maintains his or her self esteem and a positive view of his or her potential and right to live a full and inclusive life. — Sierra Leone)

5. Children with disabilities and their parents (or their caregivers, — Jordan) [other persons caring for or legally responsible for the child — Jordan] shall be provided with appropriate information, referrals and counselling, [and information

made available in these ways — Jordan] [should — Uganda] (shall — Uganda) provide them with a positive view of their potential and right to live a full and inclusive life. — Japan] — EU]

(States Parties shall recognize and take appropriate measures to respect the rights of children with disabilities in accordance with article 23 of the Convention on the Rights of the Child and other relevant provisions of this Convention — Japan)

(5 bis. States Parties recognize the vulnerability of children to sexual abuse and exploitation and shall endeavour to ensure their protection.

5 ter. States Parties recognize that the child, for the full and harmonious development of his or her personality, should grow up in a family environment. In the case of destitute or orphaned children, it shall be the duty of the State to make provision for adoption or legal guardianship as per prevalent laws, as also for respite and residential care, as appropriate.

5 quart. States Parties shall respect the rights and duties of parents and, when applicable, legal guardians to provide direction to the child in the exercise of his or her rights in a manner consistent with the evolving capacities of the child.

5 sext. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of health care, preventive health care, including dissemination of and access to, information concerning methods of rehabilitation, education, vocational training and services with the aim of enabling States Parties to improve their capabilities, skills, human resource development and research, in order to widen their experience in all these areas of expertise. In this regard, particular account shall be taken of the needs of developing countries. — India)

(6. States Parties shall ensure that in all decisions concerning children with disabilities whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be of primary consideration — Uganda)

(6. Where children with disabilities are unable to live with their families, States Parties shall make every effort to provide alternative family care in their community, and such placements shall be in the child's best interests. — Canada)

(7. States Parties shall undertake to prohibit the sterilization of children and young people with disabilities — Uganda)

(In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all appropriate measures to ensure protection and care of children with disabilities who are affected by an armed conflict, including foreign occupation — Palestine)

Article 17
Education[57] (and training — Australia, South Africa, Trinidad and Tobago)

(Education, training and lifelong learning — Jordan)

1. States Parties recognize the right of all persons with disabilities to education (and training — Australia) (in all stages of life and all educational levels and

[57] The Ad Hoc Committee may wish to consider whether this draft article should cover training more extensively, drawing together the provisions on training in other articles.

services — Costa Rica, Mexico, Trinidad and Tobago). [[With a view to achieving this right [progressively — Sierra Leone, Kenya, Thailand] and on the basis of equal opportunity, the education of [[children[58] — Russian Federation] (persons — Russian Federation, Argentina, Costa Rica, New Zealand, Bahrain, Kenya, South Africa, Serbia and Montenegro, Thailand, Mexico, Republic of Korea, Trinidad and Tobago) with disabilities — Mexico] (persons with disabilities shall take into account their best interests and — Mexico) shall be directed to:[59] — EU] (The education of persons with disabilities shall be directed to — EU)

(a) The full development of the human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

((a bis) address the issues of disability, persons with disabilities and human rights in the curriculum of all educational programs — Costa Rica)

(b) Enabling all persons with disabilities to participate effectively (and equitably — South Africa) in a free (and inclusive — Mexico) society;

(c) The development of (self identity, talent, creativity — Costa Rica) the [child's — Russian Federation] personality, talents and mental and physical (cultural and spiritual — Bahrain) abilities (of persons with disabilities — Russian Federation) to their [fullest — EU] (full — EU) potential;

[(d) [[Taking into account — EU] (Promoting — EU) the best interests of [the child — Russian Federation, Trinidad and Tobago] (children — Trinidad and Tobago) (persons with disabilities — Russian Federation), (while respecting the rights and responsibilities of parents and, when applicable, legal guardians concerning the child's education — Holy See) in particular by individualizing education plans (and granting, if need be, possibilities of education at home — Russian Federation). — China, Mexico] New Zealand]

(Satisfy the special educational needs of persons with disabilities. — Mexico)

(and agree that:

a. Education shall be directed to the full development of the human personality and sense of dignity and strengthen the respect for human rights and fundamental freedoms,

b. Education shall enable all persons with disabilities to participate effectively in a free society,

c. Education shall promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and

d. Education shall further the activities of the United Nations for the maintenance of peace. — China)

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[58] The Ad Hoc Committee may wish to consider whether the focus of the chapeau should be solely on "children", since other provisions of this draft article refer to "persons" with disabilities.

[59] Paragraph 1 of this draft article draws on article 13 (1) of the International Covenant on Economic, Social and Cultural Rights and article 29 (1) of the Convention on the Rights of the Child. It does not quote those sources in full, but rather selects those elements that have particular relevance to persons with disabilities. The Ad Hoc Committee may wish to give further consideration to this approach.

((e) Granting to all persons with disabilities a professional training and retraining taking their physical and psychological limitations into account — Russian Federation)

[2. [In realizing this right, States Parties shall (endeavour to — EU, Costa Rica, Australia) (take all possible steps to — Israel) ensure:

(a) [[That all persons with disabilities can choose — Israel] (the availability of — Israel) inclusive and accessible education (and training — Australia) in [their own — Israel] (each — Israel) community (including access to early childhood and pre-school education);[60] (taking account of medical and social recommendations — Russian Federation) — EU]

(That persons with disabilities can avail of inclusive and accessible education (including equal access to early childhood and pre-school education) and that such education shall be provided to the (maximum — Costa Rica) extent possible in the communities in which they live — EU, Japan)

(Priority is given to the integration of children with disabilities in the general school system — Israel)

(b) [The — EU] [provision of [required — Thailand] (needed — Thailand) support, including the specialized training of teachers,[61] (instructors — Costa Rica) [school counsellors and psychologists — Lebanon] — EU] (other educational staff as needed — Lebanon) (sociologists — Yemen) (appropriate support including specialized training for teachers and other staff — EU), an accessible curriculum, an accessible teaching medium (materials — Costa Rica, Mexico) and technologies, (appropriate assistive devices — Mexico) alternative and augmentative communication modes, alternative learning strategies, an accessible physical environment, (long distance education — Serbia and Montenegro) or other reasonable accommodations to ensure the full participation of [students — Mexico] (persons — Mexico) with disabilities;

(Accessibility of the school system to persons with disabilities whose children study in the school, on an equal footing, with other parents.

Appropriate representations for teachers with disabilities in the school system, including by way of prevention of discrimination on the basis of disability in recruitment and throughout the course of employment and making reasonable accommodations in recruitment and throughout the course of employment. — Israel)

(c) That no [child — Bahrain] (person — Bahrain) with disabilities is excluded from [free and [compulsory — Yemen] — Bahrain] (mandatory — Yemen) primary (and intermediate — Bahrain) education on account of [their — Holy See] (his or her — Holy See) disability (unless accommodation of the child's needs on

[60] The intent of this draft article is to provide the right to choose inclusive and accessible education. There is no intention to create an obligation on students with disabilities to attend general schools where their needs may not be adequately met. The Ad Hoc Committee may wish to consider whether the wording of this subparagraph is sufficiently clear.

[61] The Ad Hoc Committee may wish to consider whether this draft article should also include the employment of teachers with disabilities in the general education system (see, for example, article 10 (d) of the Indian proposal), the removal of legislative barriers to persons with disabilities becoming teachers, and raising awareness among teachers of the needs of children with disabilities.

account of his or her disability would impose an extremely unreasonable burden — Israel) (and measures shall be taken to meet their educational needs — Uganda).

((d) Promote access to scholarships and financial resources for persons with disabilities, without restricting that access for only those who course compulsory primary education. — Mexico)

(States Parties shall encourage the employment of teachers with disabilities in their general education systems and shall ensure the removal of legislative barriers to persons with disabilities becoming teachers and shall raise awareness on the needs of children with disabilities — Uganda)

3. (Acknowledging that education of persons with disabilities in the general education system should be the rule, and the provision of specialist education services the exception — Morocco) [States Parties shall ensure that where the general education (and training — Australia) system does not adequately meet the needs of persons with disabilities special and alternative forms of [learning[62] — Yemen] (education — Yemen, New Zealand) should be made available. Any such special and alternative forms of [learning — Yemen, Mexico] (education — Yemen, New Zealand) (teaching — Mexico) should:[63] — EU]

(Where the general education system does not yet adequately meet the needs of persons with disabilities States Parties shall take appropriate measures to promote alternative forms of education. Any alternative forms of education provided under this article should: — EU)

(a) [Reflect the same standards and objectives provided in the general education (and training — Australia) system; — EU]

(Be closely linked to and reflective of the same curriculum and aim to reflect the same standards and objectives provided in the general education system, taking into account the learning and development needs of persons with disabilities. — EU)

(b) Be provided in such a manner as to allow children with disabilities to participate in the general education system to the maximum extent possible;[64]

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[62] The term "learning" does not have the same meaning as the term "education". The Ad Hoc Committee may wish to consider which is the most appropriate word. An alternative word in this paragraph could be "provision".

[63] While members of the Working Group considered that choice was an important element of this paragraph, some members considered that the right to education was more important. Other members would have liked greater emphasis on the best interests of the child in this choice.

Different approaches were also identified with respect to setting out the relationship between the provision of specialist education services and the general education system. Some members considered that education of children with disabilities in the general education system should be the rule, and the provision of specialist education services the exception. Others thought that specialist education services should be provided not only where the general education system was inadequate, but should rather be made available at all times without a presumption that one approach was more desirable than the other. Some members of the Working Group, for example, highlighted the need for deaf and blind children to be allowed to be educated in their own groups. If the latter approach were to be taken, the Working Group considered that there should still be an explicit obligation on the State to make the general education system accessible to students with disabilities, without limiting the individual's ability to choose either the general system or the specialist services.

[64] The intention of this subparagraph is to ensure that the general education system and specialist education services are not mutually exclusive options, and that there is a range of options in between that are available.

[(c) Allow [a free and informed — EU] for choice between general and special (education — EU) systems; (upon careful consideration of the best interests of students with disabilities — Japan) (The level of specialized education must be identical to the one of general education so as to be able to raise persons with disabilities to the level of non-disabled people and give them access to higher education — Libyan Arab Jamahiriya) — Jordan]

(d) In no way limit the duty of States Parties to continue to strive to meet the needs of students with disabilities in the general education system. — China]

(States Parties shall take effective and appropriate measures to progressively realize the rights of persons with disabilities to education on an equal basis.

a. In order to develop an inclusive and accessible general education to meet the needs of persons with disabilities, States Parties shall provide support, including the specialized training of teachers, school counsellors and psychologists, an accessible curriculum, an accessible teaching medium and technologies, alternative and augmentative communication modes, alternative learning strategies, accessible physical environment, or other reasonable accommodations to ensure the full participation of students with disabilities;

b. Where the general education does not adequately meet the needs of persons with disabilities, States Parties shall develop special or alternative forms of education. Any such special or alternative forms of education should:

(i) Adhere to the standards and objectives provided in the general education system, and

(ii) In no way be a barrier for persons with disabilities to participate in the general education. — China)

4. [States Parties shall (endeavour to — Australia) ensure that [children — Mexico] (persons — Mexico) with sensory disabilities [may choose to be taught — Mexico] (have access to — Mexico) sign language or Braille, as appropriate, and [to receive the curriculum (using alternative modes of communication, including — Costa Rica, Australia) in sign language or Braille (as appropriate — Costa Rica) (or other modes of communication — Yemen). — Mexico] (to facilitate their learning process and to follow the curriculum — Mexico). States Parties shall take appropriate measures to ensure quality education (and training — Australia) to [students — Mexico] (persons — Mexico) with sensory disabilities by (encouraging and promoting — Australia) [ensuring — Australia] the employment of teachers who are fluent in sign language or Braille.[65] — EU, South Africa]

[65] Some members of the Working Group preferred to keep this paragraph specific to children with sensory disabilities to allow, for example, deaf children to be taught in sign language. Other members questioned whether it should be broadened to include all children who might need alternative communication modes. In either case, there was agreement that wherever sign language, Braille, or alternative communication systems are taught and used, it should be in addition to, and not instead of, the teaching of written or spoken national languages. The Ad Hoc Committee may also consider whether this issue could be addressed in draft article 13 on freedom of expression and opinion.

(States Parties shall take appropriate measures to ensure that persons with disabilities may choose to be taught using a variety of communication modes and shall work to ensure quality education to students with disabilities by ensuring that teachers are able to use different communication modes. — EU, Japan)

(Deaf and deaf blind persons have the right to receive education in their own groups and to become bilingual in sign language in their national spoken and written languages. — Costa Rica)

5. States Parties shall (endeavour to — Australia) (take all possible steps to — Israel) (take appropriate measures to — China) ensure that [persons with disabilities [may access — Israel] (in relation to — Israel) [general — Lebanon, South Africa] (all academic and technical education in public or private institutions at all levels of education — Lebanon) — China] (have equal opportunity to access — China) (secondary and — EU, Thailand) tertiary education, vocational training, (professional training — Kenya), adult education and lifelong learning (and teaching — South Africa) [on an equal basis — South Africa] (on an equitable basis — South Africa) with others (and with appropriate assistance — Australia). [To that end — Israel] (In order to secure the implementation of the provisions of the paragraph — Israel), States Parties [shall render [appropriate — Thailand] (needed — Thailand) [assistance — South Africa] (support — South Africa, Thailand) to persons with disabilities. — EU, China, New Zealand, Australia]. (shall ensure that reasonable accommodation is provided. — EU). (States parties shall guarantee that their national education systems recognize and certify skills acquired through alternative forms of vocational training for persons with disabilities — Lebanon)

((a) Persons with disabilities have access to all such systems including by way of accommodations in examinations and in the curriculum on an equal basis with others;

(b) appropriate representation for persons with disabilities and staff in all of the above systems, including by way of prevention of discrimination on the basis of disability and the making of reasonable accommodations in employment and recruitment in such systems. — Israel)

(5 bis a) ensure non-discriminatory access to the learning environment; b) ensure enabling environment that ensures equitable participation of students with disabilities in the learning process. — South Africa)

(States Parties shall ensure that vocational rehabilitation, training and retraining opportunities are open to people who acquire a disability in the course of their working life. — Uganda)

(The State shall provide for functional education to persons with severe, intellectual and multiple disabilities on a continued basis — India)

Article 18
Participation in political and [public life — Jordan] (public affairs — Jordan)

[[States Parties [recognize — Uganda] (shall ensure — Uganda) the political rights of persons with disabilities (and their role in public administration — Uruguay), [without discrimination — Costa Rica] (on the basis of effective equality and to guarantee its effective enjoyment — Costa Rica), and undertake to: — Argentina, Lebanon]

(Shall guarantee the political rights of persons with disabilities without undue restrictions and undertake to: — Argentina)

(States Parties shall guarantee to all persons with disabilities the full participation to political and public life without any discrimination or restriction, and shall undertake to: — Lebanon)

(a) [Actively promote an environment in which [persons — China] (citizens — China) with disabilities can effectively and fully participate in political [and public — Japan, China] life, directly or through freely chosen representatives (in the countries that approve of indirect voting — Lebanon) — Morocco] (Allow persons with disabilities to participate effectively, fully and freely in political and public life — Morocco), [including (by guaranteeing — Namibia) [the right and opportunity of [citizens — Namibia] (persons — Namibia) with disabilities — China] — Japan] (exercise the right — China) (by providing citizens with disabilities with opportunities — Japan) to vote and (to — China) [be elected — India] (stand for election — India) (in accordance with election law — China), and by [ensuring that — Australia] (promoting — Australia) (political processes, — Costa Rica) (taking measures to establish and maintain — Japan) voting procedures and facilities (that — Australia):

(i) Are appropriate, accessible and easy to understand (and use — Canada);

(ii) Protect the right of citizens with disabilities to (make a free and informed decision — Costa Rica) vote by secret ballot; and

(iii) [[Allow, where necessary, (and at the citizens' request — Costa Rica) the provision of [assistance (of their choice — Uganda) in voting to citizens with disabilities — Costa Rica] (the required support to exercise their vote — Costa Rica) (when they so request — Guatemala) (introducing the necessary adaptations that will facilitate the use of new technologies — Uruguay) — Morocco] (Ensure that the necessary support is provided to citizens with disabilities to vote — Morocco) — Chile] (Guarantee the effective exercise of the right of suffrage to all citizens with disabilities who request it, and the necessary assistance to this effect, including the alternative of assisted voting, which does not impede the secrecy of the ballot indicated in the previous point — Chile)

(b) Actively promote an environment in which persons with disabilities can effectively and fully participate in [the conduct of public administration — Argentina] (direction of public issues — Argentina) (without discrimination — EU), [and shall [encourage, as appropriate — Yemen] (ensure — Yemen), their participation in public affairs — China], including [to — Japan, China] (their — Japan):[66]

(i) Participate (participating — Japan) [on a basis of equality — EU, Australia] (on an equal basis to others — Australia) in the activities and administration of political parties and civil society;

((i bis) Take all appropriate measures to ensure that people with disabilities without any discrimination have the opportunity to represent their governments and to participate in the work of international organizations — Kenya

[66] The Ad Hoc Committee may wish to consider the differing levels of obligations that are appropriate for State and non-State organs in this paragraph.

(ii) [Form and join — Japan] (establishing and adhering to — Japan) organizations [of persons with disabilities — Mexico] to represent persons with disabilities at (local — Namibia) (international — Uganda, Yemen) national, regional and local levels;

((iii) represent their states at national, regional and international levels to participate in the work of international organizations — Namibia)

[(c) Ensure that persons with disabilities and their organizations [participate, on an [equal basis — South Africa] to others — EU] (equitably — South Africa) (can participate without discrimination and on an equal basis to other citizens — EU), in all decision-making processes, [[in particular those [concerning — China] issues relating to [persons with disabilities — Peru] — South Africa] — Chile] (public and political life — Peru, Guatemala) (in matters of public interest and the persons with disabilities in particular, implying their participation in the design, implementation, control and evaluation of public policies, as well as legislative proposals — Chile).[67] (including to: (i) participate in the formulation, implementation and evaluation of plans and programmes for national and regional development — Namibia) — New Zealand]

((d) enable persons with disabilities to participate in the formulation, implementation and evaluation of plans and programmes for local, national and regional development, which may affect them — Kenya) — New Zealand]

((d) to ensure that persons with disabilities can access national parliaments and/or local government legislative bodies and be properly seated therein either as elected members of those bodies or as visitors — Trinidad and Tobago)

((d) States Parties shall adopt such legislative and other measures as may be necessary to ensure that persons with disabilities have an effective opportunity to enjoy the rights protected in this article — Uganda)

(1. States Parties shall guarantee to [citizens — Israel, Sierra Leone] (persons — Israel, Sierra Leone) with disabilities [the right and the opportunity — Israel] (implementation and fulfilment on the basis of equality of such rights as are prescribed by law — Israel) (of citizens — Sierra Leone) to take part, on the basis of equality, (— Israel) in the conduct of public affairs, [including the right and opportunity to vote — Israel] and be elected in all elections and public referenda and be eligible for election to publicly elected bodies. In particular States Parties shall ensure that voting procedures and facilities:

(a) Are appropriate, accessible and easy to understand;

(b) Protect the right of [citizens — Israel] (persons — Israel) with disabilities to (entitled to — Israel) vote by secret ballot; and

(c) Allow, where necessary, the provision of assistance in voting to [citizens — Israel] (persons — Israel) with disabilities (entitled to vote — Israel).

2. States Parties shall take all appropriate measures to ensure to persons with disabilities, on the basis of equality, the right:

[67] The Ad Hoc Committee may wish to consider subparagraph (c) alongside the similar provision in draft article 4 (2) of the present draft, and whether both provisions are necessary. The Ad Hoc Committee may also wish to compare both paragraphs to article 6.1 (b) of International Labour Organization Convention No. 169 and rule 14 of the Standard Rules.

(a) To participate in the formulation [of government policy and the implementation thereof — Sierra Leone] (and implementation of public policies — Sierra Leone) and to hold public office and perform all public functions at all levels of government;

(b) To participate in (international organizations — Sierra Leone) non-governmental organizations and associations concerned with the public and political life of the country.

3. In particular, States Parties shall actively promote an environment in which persons with disabilities can:

(a) Participate in the activities and administration of political parties;

(b) Form, lead and join organizations of persons with disabilities established to represent them at (international — Serbia and Montenegro) national, regional and local levels. — New Zealand)

(States Parties shall guarantee that the rights of this article are not denied or restricted on the basis of disability in any manner — Israel)

Article 19
Accessibility

1. [[States Parties to this Convention shall [take [appropriate — Japan, African Group][68] (progressive — Japan, Australia, India, African Group) measures (gradually — Mexico) (to the maximum extent of their available resources — China) [to identify and eliminate obstacles — Mexico (and barriers — African Group), and (in accordance with available resources — Viet Nam) to ensure (the best — Viet Nam) accessibility [for persons with (all kinds of — Israel, Lebanon) disabilities to — Mexico] (in — Mexico) the [bui[illegible]. — Costa Rica (physical — Costa Rica, Japan, India, Serbia and Montenegro)[69] environment, (furniture and equipment — Mexico) (to amenities inside buildings and the communications environment — New Zealand) to transportation, [to information — Mexico] and communications, [including information and communications technologies [and to other services — African Group] — Mexico] — Chile],[70] (so that any persons with disabilities can access, move around, exit, be oriented, to be evacuated in emergency conditions and communicate in a safe and autonomous way, adopting the necessary measures — Mexico) (remove barriers in all areas including the built environment, goods, services — including transportation, information and communications — facilities, information technology, electronic commerce — including banking — equipment, aids and appliances — Australia) (adopt the appropriate measures to identify and eliminate obstacles and to ensure that persons with disabilities have access to built spaces, to transport in its diverse forms (land, air and maritime), to the culture, to information and communication, taking into account the right of persons with

[68] Some members of the Working Group preferred the word "progressive" in this paragraph and in the chapeau of paragraph 2. Other members were concerned with consistency with other articles of the Convention. The Ad Hoc Committee may wish to consider alternative formulations.

[69] The Ad Hoc Committee may wish to consider whether the term "physical" should be used instead of "built", which is its near synonym in this context.

[70] The Ad Hoc Committee may wish to consider further the issue of attempting to list comprehensively the facilities and services covered in the chapeau to this paragraph, including whether a reference to the "communications environment" is desirable.

disabilities to accessible information and communication technologies and other services — Chile) in order to ensure the (enjoyment of the rights and fundamental freedoms of persons with disabilities, their — Costa Rica) capacity [of persons with disabilities — Costa Rica] to live independently and to participate fully in all aspects of life. [The focus of these measures shall include, inter alia — EU, Australia] — Canada] (States Parties to this Convention shall take appropriate measures to identify and eliminate obstacles to accessibility, including inter alia architectural, sensorial and cultural barriers, and promote equal access to information and means of communication — EU) (States Parties to this Convention shall take all appropriate measures to identify and eliminate existing barriers, to prevent the creation of new barriers, and to ensure accessibility for persons with disabilities in order to enhance their capacity to live independently and to participate fully in all aspects of life — Canada):

[[(a) (Promotion of — Japan) The construction and renovation of [public[71] buildings — Japan, African Group] (buildings for public use — Japan, African Group) (and private buildings for public use — Guatemala), roads (infrastructure — New Zealand) and other (private or public — Costa Rica) facilities for public use, including (but not limited to — Philippines) schools, housing, medical facilities, indoor and outdoor facilities and [publicly (and privately — Chile) owned — African Group] workplaces (and private entities that provide public facilities or services addressed to public — Lebanon); (all buildings that house key services for persons with disabilities must be made fully accessible — Kuwait) (including privately owned or developed buildings, facilities and services for public use — Argentina) Mexico; — India, EU]

(the inclusion of principles of universal design in the construction and renovation of all indoor and outdoor physical environment — India)

(identify and eliminate, systematically, existing architectural obstacles, to transportation and communications, with the aim to facilitate their access and use by persons with disabilities;

the construction and renewal of public buildings, roads and other indoor and outdoor public facilities, such as schools, housing, medical establishments and public property work spaces; — Mexico)

(b) [The development [and remodelling — Viet Nam] of public transportation facilities, communications and other services, including electronic services. — EU] — Israel — Australia] — African Group] (Promoting universal design for mobility aids, devices and assistive technologies and encouraging private entities which produce these to take into account all aspects of mobility for persons with disabilities — African Group)

((c) Formulate and implement plans to progressively reduce and eliminate barriers to accessibility for persons with disabilities with respect to existing public

[71] The Ad Hoc Committee may wish to consider the scope of the provisions in this draft article, in particular paragraphs 1 (a) and (b), and 2 (a), (b), (c) and (d). The Working Group questioned whether the concept of public buildings, facilities and services should also extend to privately owned or developed buildings, facilities and services intended for public use, and what level of obligation States parties should place on private owners or developers to ensure access to persons with disabilities. Some members of the Working Group were of the view that privately owned or developed buildings, facilities and services should be covered by the obligations in this draft article, but other members wished to consider the implications of this further.

buildings — Kuwait, Lebanon) (and private entities that provide public facilities or services addressed to public — Lebanon)

((c) The developing and remodelling of public transportation facilities, communications and services, including electronic services. — African Group)

2. [States Parties shall also take [appropriate — Israel, Japan] (all possible — Israel) (progressive — Japan, Australia) measures to — EU] (inter alia — Australia) (These measures shall include — EU):

[(a) [Provide — African Group] (Ensure — African Group) [[in — Mexico] public [buildings and facilities — African Group] (for public use, audio, — African Group) signage in Braille and easy-to-read-and-understand forms — Mexico, Costa Rica] (in easy-to read and understand forms, including Braille — Costa Rica) (service spaces with visual and tactile signalling, as well as the use of international accessibility symbols, to orient persons with disabilities; — EU, Israel]

(ensure, including by way of legislation and state-funded financial incentives, that places, buildings, facilities and services open to, and used by the public are accessible to people with all kinds of disabilities, including by way of provision of auxiliary aids and services — Israel)

(devise policies and necessary technologies in order to make public transportation accessible to persons with disabilities, and develop special transportation services for persons with disabilities as a complementary measure to public transportation — Republic of Korea)

[(b) [[Provide — African Group] (Ensure the provision of — African Group) [other forms of [[live — Chile, African Group] (personal — Chile, African Group) [assistance[72] — African Group] (and assistive services — African Group) (, facilitators — Chile) and intermediaries — Japan],[73] (assistance — Japan) (support services and technical and technological aids — Costa Rica) including guides, readers and sign language interpreters, to facilitate accessibility to [public — African Group] buildings and facilities — Mexico] (for public use — African Group) (qualified personnel to assist and guide persons with disabilities in public service spaces — Mexico); — Kuwait, Israel] — EU]

(provide [other forms of — Lebanon] live assistance including guides, readers (and sign language interpreters — Lebanon) and captioning to facilitate accessibility to public buildings, facilities and information;

provide sign language interpreters as intermediaries to interpret information from spoken language into sign language and from sign language into spoken language for access to public services, education and to facilitate participation — Kuwait)

(promote and encourage, including by way of state-funded financial incentives, the accessibility to people with all kinds of disabilities of residential places and buildings — Israel)

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[72] "Live assistance" includes human assistance, such as guides and readers, and animal assistance, such as guide dogs. The Ad Hoc Committee may wish to consider whether there is a more self-explanatory term. The term is also used in draft article 20 (a).

[73] "Intermediaries" means people who do not assist but who rather act as a conduit for the transmission of information to certain groups of persons with disabilities, for example, sign language interpreters for the hearing impaired. The term is also used in draft article 20 (a).

(assist persons with disabilities, if required, with interpreters of sign language and/or guides or companions; — Mexico)

(c) [Develop, promulgate and monitor implementation of minimum national standards and guidelines for the accessibility of [public — Israel, African Group] (places, buildings — Israel) facilities and services (intended for use by the public — African Group) — EU] (open to, or used by the public — Israel) (as also for private facilities intended for full or partial public usage — India) (This decree includes buildings and private installations which render public services or which cater to the public — Chile); (developing, promulgating and monitoring implementation of minimum national standards and guidelines for the accessibility of public facilities and services in consultation with organizations of persons with disabilities — EU)

((c bis) Facilitating access by persons with disabilities to mobility aids, devices, assistive technologies and forms of live assistance and intermediaries including by making them available at affordable cost; — African Group)

(d) [[Encourage — Kuwait, African Group] (Require — Kuwait, Thailand) (Ensure — African Group) (all — Lebanon) private entities [that provide public facilities and services — Lebanon, Chile] (in general, which do not render public services or cater to the public, — Chile) to take into account all aspects of accessibility for persons with disabilities; (undertaking and promoting research, development and production of new mobility aids, devices and assistive technologies; — African Group — India]

[(e) [Undertake and promote — Japan] (Promote, and where appropriate, undertake — Japan) (and disseminate — Mexico) research, development and production (, including localization — Thailand) of new assistive technologies (and universal design — EU) (where appropriate — Costa Rica), giving priority to [affordably priced — Mexico] (low cost — Mexico) technologies; — New Zealand]

((e bis) promoting the development, availability and use of universally designed goods, services, equipment and facilities, which are accessible and understandable to, as well as usable by, everyone, to the greatest extent in the most independent and natural manner possible, without the need for adaptation or specialized design solutions — EU)

[(f) Promote (the conception, principles and implementation of — Chile) [universal design — Kuwait] (personal accessibility to all persons with disabilities) and international cooperation in the development of standards, guidelines and assistive technologies; (following, if appropriate with internationally recognized accessibility standards and guidelines — Thailand)

[(g) [Ensure — African Group] (Ensure — African Group) that organizations of persons with disabilities (and families of disabled children — Jordan) are consulted (and fully involved from the conception — African Group) (at all stages in the process of formulating legislation, regulations, standards and guidelines in relation to accessibility — Israel) [when — Israel] (at all stages in the process of formulating legislation, regulations, — Israel) standards and guidelines [for — Israel] (in relation to — Israel) accessibility [are being developed — Israel]; — New Zealand]

(h) Provide training for all stakeholders (including professionals involved in designing structures — African Group) on accessibility issues [facing — African Group] (for — African Group) persons with disabilities. — EU]

(promote among persons with disabilities the benefits they can obtain from the use of new information technologies and telecommunications — Mexico)

((i) Incorporate the theme of accessibility in the study programmes of those being educated at all levels — Chile)

(3. (a) States Parties shall introduce legislation requiring that:

(i) All places, buildings, facilities and services open to and used by the public shall be made accessible, subject to no disproportionate burden being imposed and subject also to the possibility of providing for progressive realization of accessibility in accordance with this subparagraph;

(ii) Such accommodations are made in residential places and buildings as are reasonable in the circumstances

(b) Legislation introduced under this paragraph shall include appropriate and effective remedies and penalties as well as efficient enforcement and implementation mechanisms

4. States Parties shall, in the implementation of this article, place special emphasis on taking all possible steps to ensure the accessibility of the legal system, including civil and criminal proceedings, the courts of law, tribunals, interrogation and testification procedures

5. The term "auxiliary aids and services" shall include:

(a) Interpreters or other methods of making orally delivered materials available to individuals with hearing impairments;

(b) Readers, taped texts or other methods of making visually delivered materials available to individuals with visual impairments;

(c) Guidance, advice and information in a manner intelligible to persons with mental, psychiatric and cognitive disabilities — Israel)

Article 20
Personal mobility[74]

[States Parties to this Convention shall take [effective[75] — Costa Rica] (appropriate — Costa Rica, Uganda) (and progressive — Kenya) measures to [ensure — Costa Rica] (allow the enjoyment of the — Costa Rica) [liberty of (independent — Uganda) movement — China] (personal mobility — China) with the greatest possible independence [for — Costa Rica] (for — Costa Rica) persons with disabilities, (in the manner and at the time of their choice and at affordable cost — Jordan) including: — EU] (States Parties to this Convention shall take appropriate measures to [promote — Republic of Korea] (ensure — Republic of Korea) liberty of movement for persons with disabilities — EU)

[74] This draft article is entitled "Personal mobility" to distinguish it from the broader right to liberty of movement in article 12 (1) of the International Covenant on Civil and Political Rights. The Ad Hoc Committee may wish to consider the placement of elements of this draft article, in particular subparagraphs (a), (b) and (c).

[75] Some members of the Working Group preferred the word "progressive" or "appropriate". Other members were concerned with consistency with other articles of the Convention. The Ad Hoc Committee may wish to consider alternative formulations.

(a) Facilitating access by persons with disabilities to [high-quality — Costa Rica] (functional — Costa Rica) (appropriate — Uganda) mobility aids, devices, (and — EU) assistive technologies [[and (other — Costa Rica) forms of [live assistance — Chile] (, good quality devices and personal help, facilitators — Chile) and intermediaries — Costa Rica] (support services — Costa Rica), including by making them available at affordable cost — EU]

[(b) Promoting (appropriate — Uganda) universal design for mobility aids, devices and assistive technologies and encouraging private entities which produce these to take into account all aspects of mobility for persons with disabilities;

[(c) [Undertaking and promoting — Japan] (promoting and where appropriate undertaking — Japan) research, development and production of new mobility aids, devices and (new — Chile) assistive technologies (, as appropriate — Costa Rica) (and the participation of persons with disabilities in research for devices —Yemen) (and to encourage the private sector to invest in research in this field — Morocco) (for the mobility of persons with disabilities — Chile); — New Zealand]

(d) Providing training in mobility skills to persons with disabilities (, their families — Costa Rica) and to [specialist — Costa Rica] staff working with persons with disabilities (and their families — Yemen) (and encourage exchange of experiences among states in this field — Morocco);

[(e) Facilitating the freedom of movement of persons with disabilities in the manner and at the time of their choice (and promote their purchase at affordable cost — Mexico), and at affordable cost;

(f) Providing information (in accessible format — Chile) to persons with disabilities (and their families — Costa Rica) about mobility aids, devices, assistive technologies and other forms of assistance and services;

(g) Promoting awareness about mobility issues for persons with disabilities. — Jordan] — New Zealand, EU]

(States Parties shall adopt all possible measures to have technologies exempt from taxes and to have them at low prices — Bahrain, Yemen)

Article 21
Right to health [and rehabilitation — Mexico][76] (Access to healthcare and medical rehabilitation — EU) (Access to healthcare — South Africa)

Right to health and medical and paramedical rehabilitation — Lebanon

States Parties recognize that (the promotion of health and the prevention of disabilities is an immutable and essential responsibility of all health-care systems

[76] Some members of the Working Group considered that grouping "rehabilitation" with "health" was inappropriate, and that it would be better dealt with in a separate article, because "rehabilitation" includes more than "medical rehabilitation", and should not be "medicalized". Rehabilitation includes medical, physical, occupational, communication and psychosocial services as well as training in everyday skills and mobility. The term "rehabilitation" as used here includes those processes sometimes called "habilitation" (the gaining of skills that people have not previously had, rather than the regaining of skills lost). The Ad Hoc Committee may wish to include an explanation of this nature in draft article 3 on definitions. Rehabilitation for the purposes of work and education may be best covered in the relevant draft articles on work and education.

and that — Philippines) all persons with disabilities have (full access to and — Namibia) the right to the enjoyment of the highest attainable standard of health (free — Yemen) [without discrimination on the basis of disability — Costa Rica] (on an equal basis and considering human diversity — Costa Rica). States Parties [shall — Japan] (and for that purpose — Japan) strive to ensure no person with a disability is deprived of that right, and shall take all appropriate (and effective — Australia) measures [to ensure access[77] — Japan] (affordability, adequacy and continuity when needed — Lebanon) (to create conditions which would assure to all persons with disabilities health and rehabilitation services — Japan) for persons with disabilities to health (health insurance — Uganda) (on an equal basis with others and without discrimination — Thailand) [and (medical — EU, Canada, Lebanon) (and paramedical — Lebanon) rehabilitation — Mexico] services. In particular, States Parties shall:

(a) [Provide — New Zealand] (Ensure — New Zealand) persons with disabilities (have access to — New Zealand) [with — New Zealand] the same [range and standard of — New Zealand] (all — Holy See) health (or healthcare — Holy See) [and (medical — EU) rehabilitation– Mexico] services (and information related to the health services — Guatemala) as provided [(to — Canada) other [citizens — Canada, New Zealand] (persons and to the same standard — New Zealand) — Mexico] (to persons without disabilities — Mexico), [including (rehabilitation as well as — South Africa) sexual and reproductive health services — Holy See, Trinidad and Tobago];

[(b) [[Strive to provide — South Africa] (Achieve the progressive realization of disability specific — South Africa) those (additional — New Zealand) health [and (medical — EU) rehabilitation — Mexico] services needed (and requested — Costa Rica) by persons with disabilities specifically because of their disabilities; — Namibia] (Develop understanding of disability rights, respect for diversity, non-discriminatory attitudes and realistic perception of the capacities of persons with disabilities as users of health services for health professionals at all levels, in line with the principles of this convention — Namibia)

(c) [[Endeavour — Uganda] (Ensure — Uganda) to provide these health [and (medical — EU) rehabilitation — Mexico] services [as close as possible — New Zealand] (in — New Zealand) to people's own communities — Namibia];[78] (including domiciliary attention and community-based rehabilitation — Costa Rica) (Involve persons with disabilities and their representative organizations in the development and monitoring of health policies and of a code of ethics for public and private health care in promoting quality, transparency and respect for human rights at national level — Namibia)

(c bis) Provide persons with disabilities with medical assistance including the provision of medicines on a free basis in accordance with the minimum social standards — Russian Federation)

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[77] Some Working Group members suggested that affordability, and access to health insurance by persons with disabilities without discrimination on the basis of disability, should be addressed in the Convention.

[78] There was general agreement in the Working Group that, as far as possible, health care and rehabilitation services should be decentralized, taking into account the degree of specialization. Some members of the Working Group also suggested that community-based rehabilitation programmes should be ensured, including the working in partnership with local communities and families to continue rehabilitation.

[[[(d) [(Endeavour to — Australia) Ensure that health [and rehabilitation — Mexico] services include the provision of [safe — South Africa] respite places, to use on a voluntary basis, and counselling and support groups, including those provided by persons with disabilities — Namibia]; — Jordan] (Ensure that respect is afforded to persons with disabilities to give consent to or refuse medical interventions of all kinds, in accordance with their evolving capacities — Namibia)

((d bis) Endeavour to support facilities that are in the ownership or managed by persons with disabilities; — South Africa)

(e) [Provide programmes and services to prevent and protect against [secondary — Morocco] disabilities, including among children (adults — Chile) and the elderly;[79] — Namibia] (Ensure appropriate training and support of sufficient number of rehabilitation — Namibia]

[[(f) [Encourage — Uganda] (Promote — Uganda) (biomedic, genetic and scientific — Chile) research and the development, dissemination and application of new knowledge and technologies that benefit persons with disabilities (involvement of organizations and establishments whose interest is to support research and spreading knowledge and awareness of preventive services — Bahrain);[80] — New Zealand]

(g) [Encourage — Uganda] (Promote — Uganda) the development of [sufficient numbers of — Costa Rica] health [and rehabilitation — Mexico] professionals, including persons who have disabilities, covering all disciplines needed to meet the health [and rehabilitation — Mexico] needs of persons with disabilities, and ensure that they have adequate specialized (or continued — Morocco) training; — Canada] — Jordan]

[(h) [Provide — Canada] (Promote the appropriate education and training of all — Canada) [to all — Canada] health [and rehabilitation — South Africa, Mexico] professionals [an appropriate education and training — Canada] to increase (their knowledge and — Chile) their disability-sensitive awareness and respect for the rights, dignity and needs of persons with disabilities, [in line with the principles of this Convention;[81] — Canada]

[(i) (Endeavour to — Australia) Ensure that a code of ethics for public and private health care, which promotes quality care, openness and respect for the human rights, dignity and autonomy of persons with disabilities, is put in place nationally, and ensure that the services and conditions of public and private health care and rehabilitation facilities and institutions are well monitored; — Canada, — New Zealand]

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[79] There were conflicting views among members of the Working Group on the issue of the prevention of disability. For some, the Convention has to do with the rights of *existing* persons with disabilities, and should mention only the minimization of the effects or progression of their disability, and the prevention of further, secondary disabilities. Others felt that the prevention of disability per se should be included.

[80] Some members of the Working Group suggested there should be a specific mention of the fields of (bio)medical, genetic and scientific research, and its applications, and its use to advance the human rights of persons with disabilities.

[81] Part of the intent of this subparagraph is to ensure that health and rehabilitation professionals providing services to persons with disabilities understand the ongoing effect disabilities have on a person's life, as opposed to more immediate medical considerations.

[(j) Ensure that health [and rehabilitation — Mexico] services provided to persons with disabilities, and the sharing of their personal health or rehabilitation information,[82] occur only after the person concerned has given their free and informed consent (or with the application of other relevant legal safeguards — Japan, Argentina) (or their guardian or legal representative — Morocco) (in respect of each service offered — New Zealand) (Ensure that free and informed consent is given only after the person concerned has been told of the nature, consequence and risks of the health intervention in the language understandable to the specific person with disabilities and/or their immediate families and recognized guardians — Philippines),[83] and that [health and rehabilitation professionals inform — Mexico] persons with disabilities of their [relevant — Mexico] rights;[84] — EU]

(Promoting quality public and private healthcare that respects the human rights of persons with disabilities and ensuring that health and rehabilitation professionals are aware of, and respect, the rights, dignity and needs of persons with disabilities — EU)

[(k) [[Prevent — Costa Rica] (Impede — Costa Rica) unwanted medical and related interventions (rehabilitation — Chile) and corrective surgeries from being imposed on persons with disabilities (which are not authorized by them or their representatives. — Chile) — China] (ensure that medical and related interventions are in the best interests of persons with disabilities, and prevent unwanted medical and related interventions unless exceptional circumstances in accordance with the procedures established by law and with the application of appropriate legal safeguards — China);[85] — Jordan, New Zealand]

(Prevent medical, surgical and other related interventions from being imposed on persons with disabilities without their free and informed consent. — New Zealand)

[[(l) Protect the privacy of health and rehabilitation information of persons with disabilities on an equal basis;[86] — South Africa] — Australia, Mexico]

(Removing the barriers to access to health and rehabilitation services (as suggested by the Asia/Pacific forum of National Human Rights institutions) — for example, spousal consent being required, lack of convenient and affordable transport and affordability of services (on an equitable basis);

Equal access to public health programmes e.g. programmes aimed at preventing HIV/AIDS, ensuring provision of safe and potable water and sanitation and cervical and breast screening for women;

Rationing of health services should not be on the basis of disability;

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[82] Privacy issues have been also addressed in draft article 14 on the right to privacy.

[83] Free and informed consent has wider application in this draft Convention than this paragraph alone. The Ad Hoc Committee may wish to consider whether the following wording should be included in this subparagraph or broadened to become a definition in draft article 3:

"Informed decisions can be made only with knowledge of the purpose and nature, the consequences and the risks of the treatment and rehabilitation supplied in plain language and other accessible formats."

[84] Some members of the Working Group considered that the subparagraph should spell out the rights.

[85] Some members of the Working Group also considered that forced medical intervention and forced institutionalization should be permitted in accordance with appropriate legal procedures and safeguards (see also draft article 11).

[86] Some members of the Working Group suggested that this subparagraph was redundant and should be deleted.

Access to other health-related services, such as dentistry, — New Zealand)

[(m) Promote the involvement of persons with disabilities and their organizations in the formulation of health and (medical — EU) rehabilitation legislation and policy as well as in the planning, delivery and evaluation of health and (medical — EU) rehabilitation services.[87] — EU] — Namibia] — Canada] — Jordan, Argentina] — Namibia, Mexico, New Zealand] — EU]

(Give priority to providing health services to persons with severe disabilities — Bahrain)

(States should promote rehabilitation programmes based on the community. — Chile)

(Remove barriers to the equal access to health services by persons with disabilities;

Ensure public health programmes, and programmes concerned with the underlying determinants of health, benefit persons with disabilities on an equal basis with all others;

Prevent the discriminatory allocation of health resources on the basis of disability;

Prevent the provision of a different standard of treatment or the discriminatory refusal to provide health services, including the refusal to treat or to provide the food and fluids necessary to sustain life, on the basis of disability — New Zealand)

(21 bis Right to Community Based Rehabilitation

1. States Parties recognize that all persons with disabilities have the right to rehabilitation. States Parties shall ensure that no person with disabilities is deprived of that right, and shall take all appropriate measures to ensure full access for persons with disabilities to rehabilitation services. In particular, States Parties shall:

(a) Endeavour to provide rehabilitation services within the community, based on the principles of community based rehabilitation;

(b) Ensure that health and rehabilitation services include the provision of safe respite places to use on a voluntary basis, counselling, and support groups including peer support;

(c) Provide programmes and services to protect against and cope with secondary disabilities including among children and the elderly;

(d) Encourage research and the development, dissemination and application of new knowledge and technologies relating to rehabilitation that benefit persons with disabilities in consultation with persons with disabilities.

2. States Parties shall recognize community based rehabilitation as a rights-based strategy to alleviate poverty and to address the direct and indirect socio-economic costs of disability at the level of the individual, family and the society at large

3. States Parties shall enhance rights, social and economic approach in the development of community based rehabilitation services

[87] The involvement of persons with disabilities in formulating legislation and policy, as well as in the planning, delivery and evaluation of services, has wider applicability than this draft article. Some members of the Working Group suggested that it should be covered under draft article 4 on general obligations.

(a) Mobilizing awareness and responsiveness towards equal rights among disabled children and adults, authorities and the society at large;

(b) Removing attitudinal, financial and infrastructural barriers in society, and promoting inclusive public and private services for all, particularly for disabled children and adults;

(c) Consulting and strengthening representative organizations of disabled children, adults as well as their families as primary stakeholders in the full development of such strategies and services;

(d) Enabling disabled children and adults to reach their potential through the development of community based rehabilitation strategies and services at all levels, which are affecting attitude change at large and based upon priorities of disabled children, adults and caregivers themselves to achieve their rights

(e) Providing early intervention-, advisory-, functional training- and respite services to disabled persons, families and caregivers in the community aiming at self-reliance and full participation.

4. States Parties shall equip and empower a national coordinating disability body with the responsibility to manage community based rehabilitation at national and international level, assuring cohesiveness across national legislation, strategies and service provisions and in line with all other disability issues.

(a) The consultation of and best interests of disabled children and adults being paramount;

(b) Access, affordability and quality of such services is assured at all governmental levels for all children, adults and their families;

(c) Ensure community based rehabilitation is included in all community activities at all levels — Namibia).

(21 bis Persons with disabilities have a right to a comprehensive psychosocial rehabilitation in order to enable them to reach and sustain their optimum level of functioning and self expression and to live an independent life of their choice in their preferred community. Rehabilitation shall be understood as including habilitation and rehabilitation. Toward this end States parties undertake:

1. To maintain and develop a comprehensive and integrated range of functional rehabilitation services including occupational, vocational, housing, recreational, educational, and associated assistive technology and management and a self-supportive system, and to ensure that such rehabilitation is in alignment and continuity with medical and paramedical rehabilitation.

2. Take steps to ensure that information with respect to rehabilitation services and procedures are widely available and accessible to all persons with disabilities and, when appropriate, to their families.

3. To ensure that access to such services will be open to all persons with disabilities without discrimination of any kind, and particularly without regard to the kind or severity of the disability.

4. To take steps to ensure that the specific rehabilitation needs of women, girls, children, the elderly, and family members of persons with disabilities are appropriately addressed in order to ensure respect for their dignity and particular needs.

5. To base the design of rehabilitation programmes on the actual needs of the person concerned, through a process of individualized comprehensive assessment and intervention and, towards this end, to actively involve the person in the design, organization, and periodic review of their programme.

6. To prohibit the imposition of any programme of rehabilitation against the wishes of the person concerned.

7. To take steps to ensure that rehabilitation programmes are available locally in the individual's own community in order to ensure that the rehabilitation process creates a meaningful and practical pathway into a life of full participation and inclusion, in accordance with personal choice and opportunities.

8. To involve persons with disabilities and their representative organizations in policy decision-making, the concrete rehabilitation process, and the evaluation of rehabilitation outcomes.

9. To ensure that all personnel involved in rehabilitation are sensitized to the rights and needs of persons with disabilities, and to ensure that their objective is to make the full inclusion of people with disabilities possible. — Israel)

(21 bis 1. States Parties recognize that rehabilitation is a prerequisite for the equalization of opportunities and the full inclusion of persons with disabilities. To that end, States Parties shall endeavour to ensure:

(a) Access to a continuum of rehabilitation services, including, inter alia, physiotherapy, occupational therapy, speech language and communication therapy, psychosocial counselling and therapies;

(b) These services are provided, to the extent possible, close to the communities in which persons with disabilities live;

(c) The development of appropriate and specialized human resources and training material to support the same;

(d) The production, usage and monitoring of good quality assistive devices at affordable prices, and the promotion of research and development of the same [removal of this clause from article 19 (e) and 20 (c)];

(e) Availability of programmes and services to prevent and protect against secondary disabilities;

(f) Active involvement of persons with disabilities and their families in matters of rehabilitation plans and policies; — India)

(21 bis Right to training and rehabilitation [Right to habilitation and rehabilitation — Lebanon]

1. The States ensure to include reference to psychological, social, physical and vocational rehabilitation in the chapeau of the article.

2. To include language on the need for consent of the person with disability before any rehabilitation begins.

3. To include reference to the participation of persons with disabilities and their representative organizations. — Yemen)

(21 bis Right to prevention

States Parties shall take all necessary measures particularly by offering programmes and services that are aimed at preventing and fighting congenital or accidental disabilities — Cameroon)

Article 22
Right to work[88] [89] [90]

[States Parties [recognize — Sierra Leone] (shall take appropriate steps to safeguard and promote — Sierra Leone) the (equal — New Zealand, Mexico) [right — Australia] (equal right to work — Australia) of (all — Canada) [persons — Jordan, Uganda] (women and men — Jordan, Uganda) with disabilities (of lawful working age — Uganda) [to work (including measures to — Sierra Leone) (and to training — Bahrain) (and to receive training to work — Palestine) [which includes (employment as well as — Ukraine) the opportunity to gain a living by work — Costa Rica] that they freely choose or accept (that preserves their dignity — Palestine), [with a view to promoting equal opportunity [and treatment — South Africa] (and economic empowerment — South Africa) (in the working environment — Mexico) of (all — Canada) persons with disabilities, and (acquisition of skills and assets that protect — Jordan) [protecting them from poverty — Australia, Mexico] (in an environment that provides equal opportunity and that is non-discriminatory — Australia) (to promote their full participation and development in the productive life — Mexico). States Parties shall (commit themselves to guarantee the enjoyment of this right and — Lebanon) (set a leading example in employment of persons with disabilities and — Republic of Korea, Thailand) take appropriate steps to safeguard and promote the realization of this right. — New Zealand] (In order to safeguard and promote the realization of this right, States parties shall take appropriate steps to promote a labour market and work environment that are open, inclusive, and accessible to all persons with disabilities — New Zealand), including measures to: — EU] (States Parties recognize the right to work of persons with disabilities on an equal basis as others; this includes the right to the opportunity to gain a living by work freely chosen or accepted. States Parties shall take appropriate steps to safeguard and promote the realization of this right, including measures to: — EU)

(Promote employment opportunities including free vocational choice for persons with disabilities so as to enable them to exercise the right to work and enjoy equal conditions of work.

Enable persons with disabilities to take full advantage of the right to education and to have access to vocational and continuing training. — EU)

(a) [[Promote — Jordan] (Ensure — Jordan) a labour [[market and work environment — Canada] (markets and work environments — Canada) that are open, inclusive and accessible to [all — Costa Rica] persons with disabilities —

[88] The Ad Hoc Committee may wish to consider the potential role of the International Labour Organization in implementing and monitoring the right to work under this Convention.

[89] Some members of the Working Group raised the issue of a need to address the special circumstances of women with disabilities in fulfilling this right.

[90] The Ad Hoc Committee may wish to consider whether the broad terms in which this draft article is expressed are consistent with the detailed provisions of other articles of the draft Convention. The Committee may also wish to consider in this context whether further thought should be given to elaborating provisions for the training of persons with disabilities.

Mexico];[91] (rehabilitation as part of the integral rehabilitation for persons with disabilities, where appropriate, by providing and evaluating orientation, training and selective — designation services, with the purpose of enabling persons with disabilities to gain access, continuity and career advancement, as well as for labour reintegration — Mexico) — New Zealand] (promote an inclusive labour market which favours labour integration of persons with disabilities; — Mexico) (Promote equal employment opportunities and career advancement for persons with disabilities in the open labour market, including opportunities for self-employment and starting one's own business, as well as assistance in finding, obtaining and maintaining employment. — New Zealand)

(b) [Enable (Ensure — Jordan) persons with disabilities to have effective access to [general — South Africa] technical and [vocational — New Zealand] (career — New Zealand) guidance programmes, (recruitment — Costa Rica) placement services, [assistive devices — EU], (technical aids — Costa Rica) and [vocational (labour training — Chile) and [continuing — South Africa] — New Zealand] (job — New Zealand) (lifelong — South Africa) training (this should be preceded by rehabilitation and training to benefiting from devices and programmes — Yemen) — Mexico]; (promote labour rehabilitation as part of the integral rehabilitation for persons with disabilities, where appropriate, by providing and evaluating orientation, training and selective — designation services, with the purpose of enabling persons with disabilities to gain access, continuity and career advancement, as well as for labour reintegration — Mexico)

((b bis) Ensure the reasonable accommodation of persons with disabilities in workplaces and work environments; — Canada)

[(c) [(Pursue active labour market policies — Namibia, Uganda); [Promote[92] — Jordan, Israel] (Pursue active labour market policies with a view to promoting — Israel) (Ensure — Jordan) (strategies for employability — Colombia) (equal — Sierra Leone) employment opportunities and career advancement for (all — Canada) persons with disabilities in the open labour market, [including opportunities for self-employment [and starting one's own business — South Africa, Lebanon] (and facilitation of the use of new technologies — Lebanon) (encouraging set up of shelter workshops in order to integrate (all — Canada) persons with disabilities and market their products — Bahrain), (and other productive and labour alternatives — Costa Rica) as well as assistance in (creating, — Costa Rica) finding, [obtaining — South Africa] (securing — South Africa) [and — Uganda] maintaining (and retaining — Uganda) employment — Canada]; (and acquisition of work experience — Jordan) — New Zealand] — Mexico] (encourage the finding, obtaining and maintaining of employment and career advancement opportunities for persons with disabilities through the implementation of an active policy related to the labour market — Mexico)

(provide assistance to persons with disabilities in finding, obtaining, maintaining, and returning to employment including through vocational and professional programmes — Canada)

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[91] The Ad Hoc Committee may wish to consider whether to spell out the meaning of this provision in practice and the further definition of the term "inclusive" in this context. In this context, too, the Committee may wish to consider whether transportation to the workplace for persons with disabilities is covered under the provision of access to the workplace under draft article 19.

[92] The Ad Hoc Committee may wish to consider the addition of the phrase "pursue active labour market policies" at the beginning of this subparagraph.

((c bis) Promote access to credit and necessary technical assistance to develop self employment opportunities for persons with disabilities — Costa Rica)

((c bis) Take appropriate measures aimed at promoting the creation of independent employment for persons with disabilities, in particular through technical and/or financial support and employment with tax benefits where appropriate — Cameroon)

(d) [[Encourage — Jordan, Namibia, Ukraine] (Ensure — Jordan) (Stimulate — Ukraine) (Ensure that — Namibia) (all — Canada) employers[93] (public or private, employ and/or — Namibia) [to — Namibia] (create posts for persons with disabilities by creating necessary facilities for persons with disabilities in their jobs and in the production sphere — Ukraine) hire persons with disabilities, [[such as through affirmative action programmes, (avoiding discrimination on the basis of the different types of disability — Costa Rica) (services to support persons with disabilities in the workplace — Uganda) [incentives and quotas — Costa Rica] — Sierra Leone, New Zealand, Canada] (including through positive measures — Canada) (and where appropriate through incentives — Sierra Leone) (especially for women with disabilities — Morocco) (To provide incentives to sector which hire persons with disabilities — Bahrain) (through the use of means and alternatives, to announce vacancies and interviews for employment so that persons with disabilities would not be excluded among possible candidates — Lebanon) — Canada;[94] — EU] (including through positive measures (Encourage employers[95] to hire persons with disabilities through appropriate policies and measures — EU)

(Promote employers to hire person with disabilities through preferential policies and programmes so that vocational training, job placement, tax exemption and credit access — Viet Nam)

(e) [(Encourage employers to create new accommodated working places ensuring the necessary — Ukraine) [[Ensure the [reasonable — Yemen, Costa Rica] — Ukraine] (appropriate — Yemen) (necessary — Costa Rica) accommodation of persons with disabilities in [the [workplace and — New Zealand] work environment — New Zealand;[96] — EU] (workplaces and work environments — New Zealand) (Ensure that reasonable accommodation is provided to persons with disabilities in the workplace and work environment. — EU) — Mexico] (ensure that workplaces have reasonable accommodations to allow access of persons with disabilities and to permit them to perform their activities — Mexico)

(encourage self-employment for persons with disabilities through training, financing and an expeditious and effective regulatory framework, in particular in the rural sector — Mexico)

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[93] The Ad Hoc Committee may wish to consider the appropriateness of specifying the particular responsibility of Governments as employers in this context.

[94] The Ad Hoc Committee may wish to consider the appropriateness of specifically mentioning quotas as a possible measure in this draft article.

[95] The Ad Hoc Committee may wish to consider the appropriateness of specifying the particular responsibility of Governments as employers in this context.

[96] Some members of the Working Group emphasized the particular importance of the obligation to make reasonable accommodation in the employment context, and considered that a more detailed paragraph on reasonable accommodation should be elaborated under the right to work, in addition to any draft article on reasonable accommodation elsewhere in the Convention.

[(f) [Promote — Jordan] (Ensure — Jordan) the acquisition by persons with disabilities of work experience in the open labour market (and the skills required by the labour market in its various fields— Yemen) (by preventing discrimination — Palestine); — Jordan, New Zealand, Costa Rica, Cameroon]

(g) [[Promote — Jordan] (Ensure — Jordan) [vocational (, labour — Chile) and [professional — South Africa] rehabilitation — Costa Rica] (technical and professional training programmes — Costa Rica) (and non-exploitation in the workplace — Morocco), job retention [and return-to-work programmes — New Zealand] (for persons with disabilities — EU); — Jordan] — Canada, Mexico]

[(h) (Promote the inclusion of specific regulations under labour legislation of States Parties to — Mexico) [[Protect[97] — Jordan] (Ensure — Jordan) [through legislation — Japan, Canada, Mexico] persons with disabilities (from discrimination with respect to all terms and conditions of their employment — Canada) [with regard to (conditions of recruitment, — EU) employment (, compensation and benefits — Republic of Korea), continuance of employment, (workplace training, — Uganda) career advancement, (elimination of any form of exploitation at work — Morocco) working conditions, including — New Zealand] (Ensure that persons with disabilities have — New Zealand) equal remuneration for work of equal value and [equal opportunities, (especially women with disabilities — Viet Nam) and the redressing of grievances,[98] (indemnities after loss of employment — Morocco) (health and safety in the work — Costa Rica) (unemployment allowances — Lebanon) and to — Canada] [ensure that persons with disabilities — New Zealand] are able to exercise their labour and trade union rights — Canada]; (These measures should consider safeguards to avoid the establishment of discriminatory conditions and requirements which affect, in an explicit or implicit manner, access to employment of persons with disabilities, and their tenure in their places of work, envisaging penalties for the occurrence of these prohibitions. — Chile) Israel] (Ensure that all employment protection laws and standards, including in relation to the minimum wage apply to all persons with disabilities working in the open labour market, any derogation from such laws and standards being made only in circumstances where derogation can clearly be shown to be justified. — Israel)

[(i) Ensure that persons with disabilities have equal opportunity to employment (in the access and [performance of work — Chile) in the [public (and private — Palestine, Lebanon, Thailand) sector — Viet Nam] (in all sectors — Viet Nam) (and promote affirmative action programmes to facilitate access to work — Costa Rica) — Israel, EU, New Zealand, Cameroon, Peru, Serbia and Montenegro]; (Ensure that persons with disabilities have equal opportunities and appropriate representation including by way of reasonable accommodation in the public sector (without discrimination on the basis of their disabilities — Thailand) recognizing the heightened responsibilities as employers of government and other State funded bodies to set a leading example in this regard — Israel)

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[97] The Ad Hoc Committee may wish to consider this formulation to take into account the protection of persons with disabilities from disguised discrimination in the workplace, such as stipulating unnecessary qualifications that have the effect of excluding persons with disabilities from employment.

[98] The Ad Hoc Committee may wish to consider whether the listing of working conditions here may be inadvertently limiting.

((i bis) Ensure persons with disabilities are able to exercise their labour and trade union rights; — Canada)

[(j) [Promote — Jordan] (Ensure — Jordan) recognition[99] of the [skills — India] (competencies — India), merits, [abilities — South Africa] and contributions of persons with disabilities to the workplace and the labour market, (and to the productive processes — Chile) [and to combat (exploitation, — Lebanon) stereotypes and prejudices (, in particular prejudice regarding their capacity, — Lebanon) [about persons with disabilities — Lebanon] in the workplace and the labour market — Japan, Jordan]. — EU, Canada]

(Promote enterprises by persons with disabilities, established and developed, with access to sources of credit and financing without conditions and requirements other than those established for clients without disabilities, in accordance with stipulations indicated in article 9 (e) of the Convention.

Support modalities of protected work for persons with disabilities who cannot be incorporated in the competitive market.

Develop campaigns for the prevention of labour accidents. — Chile)

(Encourage the creation of workshops for persons with disabilities and to promote their production — Bahrain)

(States Parties shall promote employment of persons with disabilities in the informal sector through the creation of an enabling environment and the provision of incentives and necessary support services — Kenya)

((k) Ensure that the government as an employer promotes and regulates flexible and alternative work arrangements and an environment that offers reasonable accommodation of the needs of persons with disabilities.

2. States parties shall take legislative and other measures to ensure that persons with disabilities enjoy the rights protected in this article — Uganda)

(2. States Parties shall ensure effective and appropriate regulation and resources that would provide for the development of alternative forms of community-based employment for persons with disabilities who may not have the capacity to work in the open labour market, in conditions which ensure useful and remunerative work and which provide opportunities for vocational advancement including transfer to open employment.

3. States Parties recognize the right of persons with disabilities to be protected from economic exploitation. States Parties shall take effective legislative, administrative, social and educational measures to ensure the implementation of this article to this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular provide for:

(a) Effective and appropriate regulation of non-integrated work settings, including sheltered workshop; and

(b) Effective and appropriate penalties or sanctions to ensure the enforcement of the present article. — Namibia)

[99] The Ad Hoc Committee may wish to expand on the idea of recognition to encompass the formal recognition of the skills of persons with disabilities.

(Art 22 (2)

(a) States parties shall enact legislation on equality for persons with disabilities in employment, on the basis of article 7 and containing the following provisions in particular:

(1) prohibition on discrimination on the basis of disability in relation to all aspects of employment including recruitment, employment conditions, promotion, professional training, severance and retirement.

(2) requirement of employers to make such reasonable accommodations as are necessary in order to facilitate the employment or continued employment of persons with disabilities.

(b) A reasonable accommodation means an accommodation which does not impose a burden which is disproportionate in the light of all the relevant circumstances, including the cost and size of the accommodation, the size and structure of the business, the scope of its operations, the number of employees, the make-up of the workforce and the existence of external or State funding for the purpose of carrying out accommodations.

(c) Legislation adopted in accordance with this paragraph shall also apply to family members of persons with disabilities and shall include effective sanctions, enforcement and implementation mechanisms.

22 (3) (Sheltered/Assisted employment)

(a) States parties recognize that priority shall be given to the full integration of persons with disabilities in the open labour market and that employment of persons with disabilities outside the open labour market should be reduced to and maintained at the minimum level possible.

(b) States parties shall enact legislation protecting the rights of persons with disabilities who are employed outside the open labour market, such legislation providing for the application of all the employment protection laws and standards applicable in the open labour market save where derogation from such laws and standards is strictly necessary. — Israel)

Article 23

Social [security — Kenya, Lebanon] (support — Kenya) (securities — Lebanon) and [an — Kenya] adequate [standard of living — Chile[100] [101] (quality of life — Chile)

(The right to an adequate standard of living and social protection — Jordan)

(Adequate standard of living and social security — Costa Rica, EU, New Zealand)

1. [States Parties recognize (and ensure — Yemen, Palestine) the right of all persons with disabilities to (an adequate standard of living for themselves and their

[100] Some members of the Working Group noted that the meaning of "social security" differed widely from State to State, and that the scope of the right to an adequate standard of living was much broader than social security. The Ad Hoc Committee may wish to consider this issue further.

[101] Some members of the Working Group expressed concern about the capacity of States parties to implement these provisions. The Ad Hoc Committee may wish to consider inclusion of the concept of progressive realization in this right if it is not addressed in a paragraph with general application elsewhere in the Convention.

families and — Costa Rica) (social protection, including — Jamaica) (all types of social securities — Lebanon) [[social [security] — Kenya] — Lebanon] (support — Kenya), (and other assistance including functional technical aids — Mexico) [including — Jamaica] [social [insurance — Jordan] — Uganda] — Australia] (and social [insurance — Australia] (assistance — Australia), including disability specific services — Australia) (and social assistance — Jamaica, Uganda),[102] (support — Jordan) [and to the enjoyment of [that — Costa Rica] (these — Costa Rica) [right — Costa Rica] (rights — Costa Rica) without discrimination on the basis of (the kind of — Israel) disability — China], (on an equal basis with others — China) and [shall — China] (undertake to — China) take [appropriate — Australia] (and progressive — China) steps to [safeguard and promote — China] (realize — China) [the (progressive — South Africa, Australia) realization of — China] [that — Costa Rica] (these — Costa Rica) [right — Costa Rica] (rights — Costa Rica) right, including measures to — Namibia]:

(States Parties recognize the right of all persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing, housing and access to clean water, and to the continuous improvement of living conditions. As such, States Parties will undertake to take appropriate steps to safeguard and promote the realization of these rights — Namibia)

[[(a) [Ensure — Japan, China] (Create conditions which would assure to all persons with disabilities — Japan) (Promote) [access — Israel] (entitlement) by persons with disabilities to necessary (support — Costa Rica) services, (technical aids, — Costa Rica) devices (free of charge — Yemen) and other assistance for disability-related needs;[103]

[[(b) [Ensure — Japan, China] (Create conditions which would assure to all persons with disabilities — Japan) (Promote — China) [access — Israel] (entitlement) by persons with disabilities, [particularly women and girls with disabilities and the [aged — Philippines] (older persons — Philippines) with disabilities — China] (and members of minority groups with disabilities — Israel), to social security programmes and [poverty-reduction — Cuba] (poverty eradication — Cuba) strategies, and to take into account the needs and perspectives of persons with disabilities in all such programmes and strategies; — Canada, New Zealand]

[(c) [Ensure — Japan, China] (Create conditions which would assure to all persons with disabilities — Japan) (Promote — China) [access — Israel] (entitlement) (in particular — Costa Rica) by persons with [[[severe[104] and — Yemen, Argentina] multiple — Philippines, Japan, Brazil, Kenya, Mexico, Canada, Palestine, Cuba, Bahrain, Lebanon] disabilities, [and their families — Japan] — Thailand],[105] (who live in poor conditions — Bahrain) (or caregivers — Morocco,

[102] The Ad Hoc Committee may wish to consider inclusion of the concept of "social assistance".

[103] Some members of the Working Group considered that this provision should be strengthened to mention explicitly technical aids to mobility, transfer, auditory or visual perception and other special devices that persons with disabilities require. The Ad Hoc Committee may wish to consider whether this issue is adequately covered in draft article 20 on personal mobility.

[104] Some members of the Working Group questioned the use of the word "severe" on the grounds either that it was difficult to define or that it was prejudicial. The Ad Hoc Committee may wish to consider whether to omit it.

[105] There was a difference of view among Working Group members as to whether the provisions of this subparagraph should be extended to the families of persons with disabilities, and as to how "family" should be defined. The Ad Hoc Committee may wish to consider this further and with general application to the Convention.

Uganda) (to the extent of these persons' disabilities — Kenya) (irrespective of type, gravity and complexity of disability — Thailand) [living in situations of poverty — Kenya, Uganda] to (progressive — Cameroon) assistance from the State to cover disability-related expenses [(including adequate training, counselling, (social assistance, including — Mexico) financial assistance and respite care), which should not become a disincentive to develop themselves — Canada];[106] (The assistance should be reviewed periodically — Jordan) (the severity of disability and the fact that the person has more than one disability are legitimate factors in determining the level of entitlement in accordance with this subparagraph — Israel) — EU] — New Zealand]

(d) [Ensure — Japan] (Create conditions which would assure to all persons with disabilities — Japan) (equitable — New Zealand) [[access — Israel] (entitlement) by persons with disabilities — Costa Rica] to [governmental (and private — Philippines) housing programmes (with priority to be given for their accommodation to such housing — Chile), (and encourage private developers to cater for persons with disabilities — Uganda) [including through earmarking percentages of governmental housing[107] for persons with disabilities — Japan, EU, Canada, Liechtenstein, New Zealand, Australia]; — Namibia, Costa Rica] (are developed in accordance with universal design — Costa Rica)

(a) (With regard to the right to adequate housing, States Parties undertake to engage in no act or practice of discrimination on the grounds of disability in relation to housing policies and programmes and to take all appropriate measures to ensure that all public authorities, public institutions and private entities shall act in conformity with this obligation;

(b) States Parties undertake to guarantee the full participation of disabled persons in the elaboration and implementation of housing related legislation reflect their needs;

(c) States Parties shall take all appropriate measures to ensure that persons with disabilities can freely enjoy and exercise their right to housing and can participate fully and equally within society. Steps to be taken by the States Parties should ensure that housing for persons with disabilities:

i. Provides security of tenure and freedom from forced eviction.

ii. Provides for the physical safety of occupants and protection from threats to health, structural hazards and disease vectors.

iii. Is affordable and does not compromise the ability of persons with disabilities to secure other basic needs.

iv. Contains all facilities essential for health, security, comfort and nutrition.

[106] The Ad Hoc Committee may wish to consider whether the provisions of this subparagraph should apply to persons with disabilities generally.

[107] The Ad Hoc Committee may wish to consider whether the phrase "including through earmarking percentages of governmental housing" is appropriate in the draft Convention. Some members of the Working Group expressed the view that it was too prescriptive and may limit the measures that States parties could take to ensure access to governmental housing programmes. Some members of the Working Group also considered that non-discriminatory access to privately provided housing should also be specified.

v. Is located in appropriate proximity to support services, employment options, health-care services and other social facilities.

(d) States Parties shall develop programmes to ensure that persons with disabilities have access to affordable water, including for persons who require additional quantities of water for personal and domestic needs and for those with difficulties in physically accessing sanitation and water supply points and facilities — Namibia)

[(e) [Ensure — Japan] (Create conditions which would assure to all persons with disabilities — Japan) (equal — Jordan) [access — Israel] (entitlement) by persons with disabilities to tax exemptions and tax benefits (and to other benefits to which they are entitled in respect of the degree of their disability — Cameroon) in respect of (equipment and assistive devices for persons with disabilities — Kenya) their income;[108] — EU, Canada, New Zealand, Costa Rica]

(Provide assistance to persons with disabilities and their families to meet the extra costs they each incur because of disability — New Zealand)

(f) [(Promulgate legislation to — Namibia) (Encourage to — Japan) Ensure that persons with disabilities are able to access life and health (and other types of — Lebanon) insurance (or other forms of support by the community — Cameroon) without discrimination on the basis of disability.[109] (Whether the system is for individual or capitalization saving, the cost for the person with disability should be the same as that applied to all persons. — Chile) (in public and private institutions — Namibia) (and in accordance with national law — Australia) — EU, Canada] — China] (Take appropriate measures to enable persons with disabilities to have access to life and health insurance based on objective criteria — EU)

(Promote access by persons with disabilities, living in situations of poverty, to assistance from the State, in areas such as housing programmes, taxation, life and health insurance and respite care — China)

((g) eliminate discrimination on the basis of disability from social security and social assistance provided to the population generally, and from the administration of disability specific services for people with disabilities. — Australia)

[2. [States Parties recognize the right of all persons with disabilities to an adequate [standard of (food, clothing, and housing — Viet Nam) [living — Viet Nam] — Chile] (quality of life — Chile) for themselves and their families, [including (but not limited to — Philippines) adequate food, (education — Philippines) housing [and access to clean water,[110] — China, EU] — Viet Nam] (on an equal basis with others — Japan) (access to basic services — Mexico) and to the continuous improvement of living conditions, and will [undertake — China] (take — China) appropriate steps to [safeguard and promote] (ensure — China) the

[108] Some members of the Working Group expressed the view that this subparagraph was too prescriptive.

[109] The Ad Hoc Committee may wish to consider the extent to which States parties can determine the provision of insurance, which in many countries is typically the domain of the private sector.

[110] The Ad Hoc Committee may wish to consider the reference to "clean water" further. Some members of the Working Group considered that it should be deleted on the grounds that it was not a right guaranteed under the International Covenant on Economic, Social and Cultural Rights. Other members considered that the reference was critical to the treatment and prevention of disabilities, and should be strengthened to include "basic services".

(progressive — South Africa) realization of this right. — Chile] (, recognizing to this effect the essential importance of international cooperation based on free consent — China) (without discrimination on the basis of disability — EU) (States Parties recognize the right of all persons with disabilities to an adequate quality of life for themselves and their families, including food, clothing, appropriate housing, access to potable water and basic sanitary services, and the continuous improvement of their living conditions, and will adopt measures to protect and promote the achievement of this right. — Chile) — Costa Rica]

((a) ensure equitable access by persons with disabilities to government regional development programmes and poverty elimination strategies, including international aid programmes — New Zealand)

(Promote the allocation of a certain percentage of the government budget to ensure an adequate standard of living for persons with disabilities — Philippines)

Article 24

Participation in cultural life, (religion — Kenya, Holy See, Uganda, Namibia, Philippines) recreation, leisure (physical culture — Mexico) and sport[111]

1. [States Parties recognize the right of all persons with disabilities to take part in cultural life, (creating them the facilities for the enjoyment of — Chile) — New Zealand] [and (States parties shall respect and promote the right to all persons with disabilities to engage in cultural, artistic, recreational and leisure activity. In order to promote and protect the realization of this right States Parties — New Zealand) shall take all appropriate (and progressive — China) measures to ensure (including by way of legislation to the maximum extent that is reasonable — Israel) that persons with disabilities — EU] (and shall promote appropriate measures for persons with disabilities to — EU, Canada):

(a) Have the opportunity to develop and utilize (and express — Mexico) their creative, artistic and intellectual (and physical — New Zealand, Israel) potential, [not only for their own benefit, but also for the enrichment of their community — Israel] (for both their own benefit and the benefit of their communities and the society as a whole — Israel);

(b) [Enjoy access (at the least cost — Morocco) [to (literature and other cultural materials in all accessible formats, including (inter alia — Colombia) in electronic text, sign language and Braille, and in audio and (free — Yemen) multimedia formats — New Zealand] (on an equal basis to all cultural materials and activities — New Zealand) — Jordan] (Enjoy equitable access to and participation in cultural and sports material, activities, services and facilities — Jordan);

[[(c) [Enjoy access to (international and regional — Yemen) television programmes, films, theatre and other cultural activities, in all accessible formats, including captioning and sign language — New Zealand] (Have the opportunity to participate in all cultural, artistic and sporting activities of their choice at local, regional, national and international levels — New Zealand); — EU

(d) [Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries (concert and other musical performances —

[111] The Ad Hoc Committee may wish to consider whether and how the concept of accessibility could be expanded under this draft article.

Israel) and the [hospitality — Mexico] (hotel — Mexico) industry (and enjoy such performances — Costa Rica) (and services — Mexico, Costa Rica), and, [as far as — Israel] (to the maximum extent — Israel) possible, enjoy access to (exhibits, — Uganda) monuments and sites of national cultural importance (granting those facilities which allow the enjoyment of these artistic expressions. — Chile) — New Zealand]. — Jordan]

(Receive on an equal basis to other people instruction, training and resources for the pursuit of all cultural, artistic and sporting activities — New Zealand)

2. States Parties shall take all appropriate steps to ensure that laws protecting intellectual property rights do not constitute [an unreasonable — Canada] or discriminatory — Thailand, Guatemala] (any — Thailand) barrier to access by persons with disabilities to cultural materials, [while (in accordance with international agreements — Japan) respecting the provisions of international law — Thailand].

[3. [Persons [who are deaf — Israel] (and the deafblind — Uganda) (with disabilities of all kinds — Israel) shall be entitled, on an equal basis with others, to recognition and support of — Costa Rica] (States Parties recognize that deaf persons living under their jurisdiction are entitled to — Costa Rica) their (own — Costa Rica) specific cultural and linguistic identity.[112] — EU, Japan] (and shall take all appropriate measures to support this right — Costa Rica).

(3. bis States Parties recognize the fundamental right of persons with disabilities to practise a religion of their choice and shall take all appropriate measures to ensure that persons with disabilities:

a. Enjoy the opportunity to develop their spirituality and practise their faith;

b. Have access to houses of worship, shrines and sites of religious importance;

c. Can belong to a community of believers and participate fully in the life of the congregation and in the rites, ceremonies and sacraments that are part of worship;

d. Have access to appropriate religious education and receive instruction in the format that best suits their needs;

e. Will be protected from religious abuse, exploitation and coercion. — Kenya, Uganda)

[4. [States Parties recognize the right of persons with disabilities, [on an [equal — South Africa] (equitable — South Africa) basis with others,[113] — Mexico, Guatemala] (in conditions of equity with other persons — Mexico) to participate in [recreational — Yemen], leisure and sporting activities (including tourism — Costa Rica) and shall

[112] The Ad Hoc Committee may wish to consider whether this provision would be more appropriately placed under another draft article.

[113] Some members of the Working Group considered that the phrase "on an equal basis with others" should be deleted from this paragraph, and that subparagraphs (b), (c) and (d) should instead include an obligation on States parties to remove discriminatory barriers, both environmental and societal, to the enjoyment of these rights. Other members expressed the view that "on an equal basis with others" should be retained, because sporting, recreational and leisure organizations and facilities were often within the private sector. The Ad Hoc Committee may wish to consider this issue further.

take appropriate measures to — EU] (do all of the following, to the maximum extent that is reasonable — Israel) (With a view to enabling persons with disabilities to participate on an equal basis as others in recreational, leisure (activities, physical culture and sports — Mexico) and [sporting activities — Mexico] (to promote a healthy lifestyle — South Africa), States Parties shall take appropriate measures to — EU):

(a) [Encourage — South Africa, Namibia] (Ensure — South Africa, Namibia) and promote the (full — South Africa) participation, [to the fullest extent possible — South Africa], of persons with disabilities in [mainstream — China, Costa Rica, Namibia] (integrated — Namibia) [sporting activities — Mexico] (physical culture and sports — Mexico) at (club, — South Africa) (local, — Namibia) regional, national and international levels (, and promote sporting activities tailored to the needs of persons with disabilities as well as disability-specific sports — Republic of Korea);[114]

(b) Ensure that persons with disabilities have an opportunity to organize and participate in sporting (recreational and leisure — South Africa) activities and [to receive [the same — Mexico, South Africa, Costa Rica, Uganda, Namibia] (the necessary — Uganda, Namibia) (the appropriate — Costa Rica) instruction, training and (equitable — South Africa) resources in support [that is available to other participants — Mexico, Costa Rica] (in conditions of equity with other participants — Mexico) — EU] (encourage the provision of appropriate instruction, training and support — EU);

[(c) Ensure that (all — Mexico) persons with disabilities have access to [sporting and recreational venues, [and that [children — Chile] (pupils — Chile) with disabilities have equal access to participating in sporting activities with the education system — Mexico, Costa Rica] (to qualified and specialized children — Bahrain) (to participate in sporting activities in conditions of equity within the education system, including children with disabilities — Mexico); (the physical environment for practising sporting and recreational activities, including facilities and venues for such practices — Costa Rica).

((c bis) Ensure that persons with disabilities have access and can enjoy touristic attractions.

(c tris) Ensure that children with disabilities have equal access to participating in sporting and recreational activities, including those in the educational system — Costa Rica)

[(d) Ensure that persons with disabilities have (equal — South Africa) access to services from those involved in the organization of recreational, (and — Mexico) leisure (tourism — Israel) [and sporting — Mexico] (physical culture and sports — Mexico) activities. — EU] — New Zealand, Jordan, Costa Rica]

((d bis) Ensure equitable access to government and private funding for persons with disabilities to facilitate full participation in sporting, recreational and leisure activities and organization.

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[114] Some members of the Working Group emphasized the importance of mainstreaming sporting activities for persons with disabilities. Others indicated that this obligation would need to be balanced with the promotion of separate sporting activities and organizations tailored to the needs and abilities of persons with disabilities, as well as disability specific sports that might not be included in mainstream sporting events. The Ad Hoc Committee may wish to consider how best to incorporate these views.

Encourage all public media to provide appropriate and equitable coverage of the achievement of persons with disabilities in sports, recreational and leisure activities, as well as the availability of such activities to all persons with disabilities — South Africa)

((e) Ensure that persons with disabilities subject to multiple forms of discrimination, such as women and refugees have access to sports, recreation and leisure activities — Namibia)

((e) Promote the development, import and/or exchange of sporting equipment taking into account the different types of disabilities and the different sports — Colombia)

(Develop the sportive potential of persons with disabilities, promoting sports, massive, competitive, of high performance and age-ranged along all the groups and places of each national territory.

Promote training in educators and trainers which carry out sports and recreation programmes, for the adequate inclusion and attention of persons with disabilities in those programmes. — Chile)

(5. States Parties shall take all appropriate steps to remove discriminatory societal barriers to the enjoyment of all the rights in this article — Uganda)

(Article 24 bis
International cooperation — Mexico)

State Parties shall engage in international cooperation as an essential element for the implementation of this convention in a spirit of solidarity, in particular for the full and equal enjoyment of all human rights and the dignity of persons with disabilities. State Parties at all levels of government should encourage and support the exchange of knowledge, experience and international cooperation with international and regional organizations, specialized agencies, organizations of persons with disabilities, non-governmental organizations, national human rights institutions, as well as other national institutions, private sector, financial institutions and other stakeholders.

1. International cooperation among States shall include, but not be limited to:

(a) Contribute to international and regional programmes and related activities aimed at raising awareness about the rights of persons with disabilities and combating stereotypes;

(b) Sharing information concerning best practices on measures, legislation, national policies and programmes to implement the present convention;

(c) [Adopting measures in favour of persons with disabilities in — Thailand] (Ensuring that — Thailand) existing and future international cooperation activities, agreements and programmes (are inclusive to persons with disabilities and their needs — Thailand);

(d) Encouraging programmes of exchange concerning information, technical assistance, communications and assistive [devices — Thailand] (technologies — Thailand) or equipment;

(e) Taking measures, including financial and technical assistance, aimed at enhancing with a multidisciplinary approach the capacities of States to effectively implement this Convention.

((f) Conclude agreements for the issue of regional or international disabled persons' cards for the purpose of various entitlements — Israel)

2. International cooperation with respect to international and regional organizations shall include:

(a) The United Nations and its specialized agencies shall take steps to ensure the effective integration of a disability perspective in their work and to periodically assess the impact of their programmes and activities on the full and equal enjoyment of all the human rights and dignity of persons with disabilities and to adjust them where required;

(b) Increasing advisory services and technical cooperation;

(c) Promoting meetings, courses, seminars and workshops and other related activities for the study of matters and problems related to the full and equal enjoyment of all human rights and the dignity of persons with disabilities;

(d) Inviting international and regional finance and development institutions to similarly adopt a disability perspective into their work and to assess and periodically adjust their policies and programmes;

(e) Fostering bilateral, regional and international financial arrangements to promote the full and equal enjoyment of all human rights and the dignity of persons with disabilities; (including the establishment of bilateral, regional and international research and development funds — Israel)

3. International cooperation with respect to civil society and the private sector shall include:

(a) Promoting the sharing of knowledge and experiences between non-governmental organizations and organizations of persons with disabilities within and between regions, particularly through meetings, courses, seminars and workshops and other related activities; (including partnerships and cooperation agreements between local and municipal authorities in different States — Israel)

(b) Contribute to public awareness raising about the rights of persons with disabilities and combating stereotypes;

(c) Supporting capacity-building within civil society to engage more effectively and constructively with States Parties and with the relevant international and regional machinery, through, for example, training and technical cooperation.

(d) Develop joint projects with the private sector and civil society to contribute to ensure the early participation of persons with disabilities into productive life;

(e) Adopting measures including incentive measures to harness the positive potential of private sector as key agents for change;

(4. States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present convention. With regard to economic, social and cultural rights, States Parties shall

undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation — Argentina)

China's proposal on International Cooperation

States Parties recognize that international cooperation is conducive to the implementation of this Convention and undertake to take appropriate measures in coordination with each other as well as with international and regional organizations, in particular:

(a) exchange and sharing of information especially that concerning progress and challenges in implementing this Convention;

(b) mainstream disability issues into cooperation programme framework;

(c) encourage the provision of technical and economic assistance to developing countries, including technology transfer, to enhance the capacities to effectively implement the Convention.

Viet Nam's proposal on International Cooperation

States parties shall promote direct cooperation with international organizations, including bilateral, multi-bilateral organizations, and non-governmental organizations to strengthen capacity for the implementation of this convention. Fundamental issues are as follows:

(a) Development of national legislation, policies, programmes and projects related to the rights of persons with disabilities;

(b) Increasing public awareness on disability and the rights of persons with disabilities;

(c) Promoting research and application of assistive technologies for persons with disabilities and their organizations;

(d) Conducting training courses, workshops and research for the implementation of this convention;

(e) Strengthening capacity training provided for persons with disabilities for their enjoyment of the rights under this convention

Article 25
Monitoring[115]

National implementation framework[116]

1. States Parties shall designate a focal point within government for matters relating to the implementation of the present Convention, and give due consideration

[115] The Working Group did not have time to consider the issue of international monitoring of the draft Convention. Some members of the Working Group indicated, however, that international monitoring was an issue of considerable importance to them. Other members, however, had reservations in this respect.

[116] The Working Group did not discuss in detail the wording of the draft provisions. It noted that the Ad Hoc Committee might wish to discuss the issue further and take into account the ongoing review of the work of the existing United Nations human rights treaty monitoring bodies.

to the establishment or designation of a coordination mechanism to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative system, maintain, strengthen, designate or establish at the national level a framework[117] to promote, protect and monitor implementation of the rights recognized in the present Convention.

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[117] The Working Group did not reach agreement on a number of issues relating to the role of national human rights institutions in the process of promoting, protecting and monitoring the implementation of the Convention, but some members considered that they might perform, inter alia, the following functions: promoting awareness of the provisions of the Convention to persons with disabilities and to the general population; monitoring national legislation, policies and programmes to ensure consistency with the Convention; undertaking or facilitating research on the impact of the Convention or of national legislation; developing a system for assessing that impact on persons with disabilities; and hearing complaints about failure to observe the Convention.